

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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# Government Printing Works

## Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

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take note!

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Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

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Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

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REMINDER

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

### REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

**CONTENTS***Gazette* *Page*  
*No.* *No.***PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

253	National Environmental Management Act (107/1998): Publication for comments: Exclusions and minimum standards for listed activities to be excluded from the requirement to obtain an environmental authorisation...	113	4
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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 253 OF 2016****DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****PUBLICATION FOR COMMENTS: GAUTENG PROVINCIAL ENVIRONMENTAL MANAGEMENT FRAMEWORK (GPEMF) - EXCLUSIONS AND MINIMUM STANDARDS FOR LISTED ACTIVITIES TO BE EXCLUDED FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24(2)(d) AND 24(10)**

I, Lebogang Maile, MEC for Economic Development, Environment, Agriculture and Rural Development, hereby give notice of my intention to, in terms of section 24(2)(d), and 24(10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), publish for comments the GPEMF Exclusions and Minimum Standards for the listed activities to be excluded from the requirement to obtain an environmental authorisation, as set out in the Schedule hereto.

Members of the public are invited to submit, within 30 days of publication of this notice in the Provincial Gazette, written representations or objections, to any of the following addresses:

**By post to:**

The Head of Department  
Department of Agriculture and Rural Development  
For Attention: Ms Sizakele Ndzhukula  
PO Box 8769

**Johannesburg**  
2000

**By hand at:** Reception, Diamond Building, 11 Diagonal Street, Newtown, Johannesburg

**By e-mail:** [siza.ndzhukula@gauteng.gov.za](mailto:siza.ndzhukula@gauteng.gov.za)

Any inquiries in connection with the notice can be directed to Ms Sizakele Ndzhukula at 011 240 3395

Comments received after the closing date will not be considered.



**LEBOGANG MAILE, MPL**  
**MEC FOR ECONOMIC DEVELOPMENT, ENVIRONMENT, AGRICULTURE AND RURAL DEVELOPMENT**



**Department of Agriculture and Rural Development**

**Gauteng Provincial Environmental Management Framework: Phase Two**

**GPEMF EXCLUSIONS IN TERMS OF THE NEMA, ACT 107 OF 1998 AS  
AMENDED**

**February 2016**

**CONTENTS**

<b>Chapter</b>	<b>Description</b>	<b>Page</b>
<b>1.</b>	<b>CHAPTER 1: INTERPRETATION AND PURPOSE</b>	<b>4</b>
1.1	Definitions	4
1.2	Purpose of this Schedule	5
1.3	Legal Context of this Schedule	5
1.4	Application of this Schedule	7
<b>2.</b>	<b>CHAPTER 2: PROCEDURAL REQUIREMENTS</b>	<b>8</b>
2.1	Applications	8
2.2	Decisions	9
2.3	Appeals	10
2.4	Amendment	10
2.5	Suspensions	10
2.6	Validity	11
2.7	EMPr	11
2.8	Compliance and Enforcement	12
2.9	Transitional Provisions	13
<b>3</b>	<b>CHAPTER 3: LIST OF EXCLUDED ACTIVITIES</b>	<b>14</b>
3.1	Listing Notice 1	14
3.2	Listing Notice 2	16
<b>4</b>	<b>CHAPTER 4: MINIMUM STANDARDS</b>	<b>16</b>
4.1	General Application of Minimum Standards	16
4.2	Minimum Air Quality Standards	17
4.3	Minimum Noise Standards	18
4.4	Minimum Visual Standards	20
4.5	Minimum Hazardous Substances Standards	21
4.6	Minimum Waste Standards	21
4.7	Minimum Water Quality Standards	22
4.8	Minimum Stormwater Management Standards	24
4.9	Minimum Water Resource Standards	26
4.10	Minimum Biodiversity Standards	28
4.11	Minimum Standards for Pollution Buffers	30
4.12	Minimum Ridge Standards	31

4.13	Minimum Standards for Soil Conservation .....	32
4.14	Minimum Heritage Standards .....	33

## SCHEDULE

### 1. CHAPTER 1: INTERPRETATION AND PURPOSE

#### 1.1 Definitions

In these exclusions, unless the context indicates otherwise, a word defined in the National Environmental Management Act, 1998 (Act No.107 of 1998) or the Environmental Impact Assessment Regulations, 2014 has the same meaning, and

**“Appropriate Mitigation Measure”** refers to a set of actions undertaken as part of a commitment to reduce environmental impacts.

**“Competent Authority”** means, within the context of these provincial exclusions, the Gauteng Department of Agriculture and Rural Development (GDARD).

**“Delisted Activity”** means any activity that does not require any environmental authorisation or compliance with any environmental management instrument.

**“Excluded Activity”** means an activity identified within this schedule that may be excluded from the requirement to obtain an environmental authorisation.

**“Preferred Pollution Buffer”** means a large buffer zone which is considered the preferred option around pollution sources.

**“Minimum Pollution Buffer”** means a smaller buffer zone which is considered the absolute minimum option required around pollution sources.

**“Registered Development”** means a development that has registered with the competent authority for undertaking of an excluded activity.

**“Surface Water Monitoring”** means the quality, quantity and bio-monitoring upstream and downstream of the activity.

**“Zone 1”** means the Urban Development Zone that is intended to streamline urban development activities in it and to promote development infill, densification and concentration of urban development within the urban development zones.

“**Zone 5**” means the Industrial and Commercial Focus Zone that is intended to streamline non-polluting industrial and large scale commercial (warehouses etc.) activities in areas that are already used for such purposes and areas that are severely degraded but in close proximity to required infrastructure (such as old and even current mining areas).

## **1.2 Purpose of this Schedule**

(1) The purpose of this Schedule is to –

- (a) Identify activities in terms of section 24 (2) (c) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, which may be excluded from the requirement to obtain an environmental authorisation;
- (b) Provide a process to effectively support the streamlining of the Environmental Impact Assessment (EIA) process;
- (c) Set provincial minimum standards, in terms of section 24 (2) (d) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, that must be complied with for the activities identified for exclusion, ensuring –
  - i. governance of the excluded activities;
  - ii. compliance to National Environmental Management Principles and duty of care, in terms of Section 28 (1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
  - iii. sustainable natural resource management within Gauteng Province.

## **1.3 Legal Context of this Schedule**

(1) Section 24 of the Constitution of South Africa states that “everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure sustainable development and use of natural resources while promoting justifiable economic and social development”. The need to “respect, protect and fulfil the bill of rights” is entrenched in South African legislation and therefore gives rise to the requirement for environmental protection. In order to do so, GDARD applies the National Environmental Management Act, 1998 (NEMA) as well as the tools provided for by the NEMA.

(2) NEMA is South Africa’s overarching framework for environmental legislation. The object of NEMA is to provide for operative environmental governance by establishing principles for

decision-making on matters affecting the environment, institutions that will promote co-operative governance, and procedures for co-ordinating environmental functions exercised by organs of state. NEMA sets out a number of principles that aim to implement the environmental policy of South Africa. These principles are designed, amongst other purposes, to serve as a general framework for environmental planning, as guidelines by reference to which organs of state must exercise their functions and to guide other law concerned with the protection or management of the environment. The principles include a number of internationally recognized environmental law norms and some principles specific to South Africa, namely, the preventive principle, precautionary principle, polluter pays principle and equitable access for the previously disadvantaged to ensure human well-being. Section 28 of the Act relates to duty of care and is centred on the responsibility of polluters and those degrading the environment. Duty of care is entrenched in the exclusions and in particular the minimum standards which aim to safeguard environmental protection. Section 28 (1) states that “every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment”.

- (3) Section 24 (2) of NEMA and the Environmental Management Framework Regulations of 2010 state that the Minister, and every MEC with the concurrence of the Minister may identify –
- a) "geographical areas based on environmental attributes, and as specified in spatial development tools adopted in the prescribed manner by the environmental authority, in which specified activities may not commence without environmental authorisation from the competent authority;
  - b) geographical areas based on environmental attributes, and specified in spatial development tools adopted in the prescribed manner by the environmental authority, in which specified activities may be excluded from authorisation by the competent authority;
  - c) activities contemplated in paragraphs (a) and (b) that may be excluded from the requirement to obtain an environmental authorisation from the competent authority, but that must comply with prescribed norms or standards; or
  - d) activities contemplated in paragraphs (a) and (b) that, based on an environmental management instrument adopted in the prescribed manner by the Minister or an MEC,

with the concurrence of the Minister, may be excluded from the requirement to obtain an environmental authorisation from the competent authority.”

- (4) The Gauteng Provincial Environmental Management Framework (2014) was formally adopted by the MEC with concurrence of the Minister, providing geographical areas in which specific activities may be excluded from authorisation. The following schedule has been developed to provide guidance and governance in terms of the activities being excluded within the areas identified in the adopted Gauteng Provincial Environmental Management Framework (2014).

#### 1.4 Application of this Schedule

- (1) The activities identified for exclusion from requiring an environmental authorisation in section 3 (1) and (2) of this schedule are applicable for –
- a) applications that are under the jurisdiction of the competent authority for this schedule, which will be the Gauteng Department of Agriculture and Rural Development;
  - b) the relevant environmental management zone (Zone 1 and/or Zone 5), in terms of the adopted Gauteng Provincial Environmental Management Framework (2014).
- (2) The activities identified in section 3 (1) and (2) of this schedule cannot be applied for exclusion and must be applied for through the EIA process, as stipulated in the Environmental Impact Assessment Regulations (2014), if –
- a) the review and approval of the application falls outside the jurisdiction of the Gauteng Department of Agriculture and Rural Development;
  - b) the identified activities fall outside the environmental management zone for which the exclusion applies;
  - c) the excluded activity's footprint extends outside of the boundary of the environmental management zone for which the exclusion applies, into an environmental management zone that has not identified the activity for exclusion from requiring an environmental authorisation;
  - d) the development requires the undertaking of additional activities that have not been identified in section 3 (1) and (2) of this schedule, for the relevant environmental management zone. In this event, an environmental authorisation for all activities, inclusive of the excluded activities, will be applied for through the EIA process, as stipulated in the Environmental Impact Assessment Regulations (2014);

- e) the proponent does not apply for an activity identified for exclusion under section 3 (1) and (2) through the exclusions process stipulated in this schedule, but applies for the issuing of an environmental authorization through the EIA process, as stipulated in the Environmental Impact Assessment Regulations (2014). This transitional arrangement will only be applicable for two years after the promulgation of this schedule, after which any development falling within the ambit of this schedule will be required to follow the exclusions process as stipulated in section 2.
- (3) The minimum standards set in this schedule must be complied with for undertaking any activity identified for exclusion under section 3 (1) and (2).
- (4) This schedule does not identify any delisted activity and is only applicable to the activities applicable for exclusion in the Gauteng Provincial Environmental Management Framework (2014).

## **2. CHAPTER 2: PROCEDURAL REQUIREMENTS**

### **2.1 Applications**

- (1) No person may commence with the development of any activity identified for exclusion under section 3 (1) and (2), unless the proponent has submitted –
- a) an application for registration to the competent authority, undertaken on an official application form;
  - b) an Environmental Management Programme (EMPr); and
  - c) proof that the proponent has notified in writing –
    - i. the landowner or person in control of the land if proponent is not the landowner;
    - ii. all immediate neighbouring landowners or persons in control of the land; and
    - iii. the local municipality/ies in which the proposed development may occur.
- (2) The competent authority may request additional information and / or an amendment to the application for registration, which must be submitted, within thirty days of the request, and must be approved before commencement with the development of any activity identified for exclusion under section 3 (1) and (2).

- (3) No person may commence with the development of any activity identified for exclusion under section 3 (1) and (2), unless written approval is given by the competent authority.

## 2.2 Decisions

- (1) All applications in terms of this schedule must be decided upon by the mandated competent authority.
- (2) The competent authority, who must consider and decide upon an application of registration in respect of the listed activities identified for exclusion in section 3 (1) and (2), must within forty five days of receiving an application for registration, provide in writing –
- a) an approval of the registration; or
  - b) a refusal of the registration, accompanied with reasons for the refusal; or
  - c) request any additional information required and / or any amendments to the application (including amendments to the EMPr);
  - d) where applicable, draw the attention of the proponent to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, if such appeal is available in the circumstances of the decision.
- (3) The competent authority, who must consider and decide upon an application of registration in respect of the listed activities identified for exclusion in section 3 (1) and (2), will close the application file if the additional information requested is not supplied within thirty days of the request.
- (4) In the event that the competent authority has requested additional information and / or an amendment to the application, the competent authority must within forty five days of the receipt of the additional information and / or amended application (including amendments to the EMPr), provide in writing –
- a) an approval of the registration; or
  - b) a refusal of the registration, accompanied with reasons for the refusal.
- (5) Once a decision on the application is given by the competent authority, the proponent must within twenty days of the decision, notify in writing the outcomes of the decision to –

- a) the landowner or person in control of the land if proponent is not the landowner;
- b) all immediate neighbouring landowners or persons in control of the land; and
- c) the local municipality/ies in which the proposed development may occur.

### **2.3 Appeals**

- (1) Should the proponent or any other party wish to appeal any aspect of a decision made in terms of this schedule, a notice of intention to appeal must be lodged by all prospective appellants, in writing, with the competent authority within twenty days of being notified of a decision.
- (2) The competent authority may, on receipt of an appeal against a decision, suspend the approval pending the outcome of the appeals procedure.

### **2.4 Amendment**

- (1) A person who has an approval from the competent authority, in terms of section 2 (1) (2), who wishes to amend the details of the registration, including the approved EMPr, must inform the competent authority in writing of such amendments.

### **2.5 Suspensions**

- (1) If the competent authority has reason to believe that the approval was obtained through fraud, non-disclosure of material information or misrepresentation of a material fact, the competent authority may, in writing, suspend or partially suspend, with immediate effect, the approval and direct the holder of such an approval forthwith to cease any activities that have been commenced or to refrain from commencing any activities, pending a decision to withdraw the approval.
- (2) The holder of the approval may, within ten days of the suspension issued in terms of section 2 (5) (1), provide the competent authority with representations as to why the approval should not be withdrawn.
- (3) Within fourteen days of receipt of representations, alternatively within fourteen days of the expiry of the time period in which to submit representations, the competent authority must consider the representations, if any, and must inform the applicant in writing of its decision to-
  - a) lift the suspension;

- b) withdraw, or partially withdraw, the approval.
- (4) In the event that the competent authority requires further information in order to take a decision referred, it shall-
- a) within the fourteen day time period set out, and in writing, request the holder to provide such further information; and
  - b) consider this additional information prior to taking a decision.
- (5) Where further information is requested, the competent authority shall have a further fourteen day period from the date of receipt of this information, in which to make its decision.
- (6) In the event that the competent authority decides to withdraw, or partially withdraw, the approval and the activity or activities have commenced, the competent authority may direct the holder to rehabilitate the effects of the activity on the environment.

## 2.6 Validity

- (1) An approved development must commence within ten years of registration with the competent authority. The validity of the approval will lapse if the development does not commence within the ten year period. A new application for registration will need to be applied for if the approval has lapsed and the development cannot commence prior to the new application being approved.

## 2.7 EMPr

- (1) The proponent must submit an EMPr, as per section 2 (1) (1) (b), to the competent authority for the excluded activities being undertaken, which must –
- (a) include the minimum standards applicable to the excluded activity being undertaken, that will be used for environmental management of the development and to ensure duty of care in terms of section 28 (1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - (b) provide verifiable findings, in a structured and systematic manner, on the ability of the measures contained in such EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity;

- (c) provide and detail the rehabilitation procedures that will be undertaken;
  - (d) include a layout of the development including all sensitive features within 500 metres of the edge of the development;
  - (e) be compiled by an independent EAP with the relevant expertise and knowledge in environmental management; and
  - (f) be included in all contractual documentation relevant to the development, expansion and operational phase of the activity.
- (2) Sites for which applications are made will mitigate, where practically possible, the impacts of the development that could occur beyond the cadastral or property boundaries. The EMPr submitted with the application will indicate the resources from outside the property boundary on which the development will rely and also manage the impacts relating to where discharge of emissions, effluents or waste will take place.
- (3) The approved EMPr submitted to the competent authority for the excluded activities being undertaken, must –
- (a) be made available-
    - i. on site before development commences; and
    - ii. for inspection on site.
  - (b) include proof of notifications to the landowners as per section 2 (1) (1) (c); and
  - (c) include the approval of registration as issued by the competent authority.

## **2.8 Compliance and Enforcement**

- (1) The proponent will be required to undertake independent audits by an Environmental Assessment Practitioner (EAP), with relevant auditing experience, as determined within the EMPr and approved by the competent authority.
- (2) The independent audit will be conducted on the approved EMPr and the audit reports will be subject to the review of the competent authority.
- (3) The competent authority must undertake regular compliance inspections of the registered development, where directives regarding any activities on site may be issued and must be adhered to by the proponent.

- (4) The proponent must provide the competent authority with access to the facility, for the purposes of compliance monitoring of the excluded activity, without prior notification.
- (5) Contravention of any applicable minimum standard and any additional management measure prescribed in the approved EMPr will result in non-compliance in terms of this Schedule.
- (6) A directive will be issued for non-compliance for any applicable minimum standard, for any prescribed management measure in the approved EMPr and for any other reason deemed necessary by the competent authority.
- (7) Failure to comply with any directive issued by the competent authority will result in an offence in accordance with this schedule.
- (8) A person guilty of an offence in terms of section 2 (8) (7) is liable for the penalty contemplated in section 49 B (1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- (9) The commencement of an activity identified in this schedule that was undertaken in response to section 49 B (2) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) must be reported to the competent authority and provide any information relating to the incident and the mitigation or rehabilitation thereof requested by the competent authority.
- (10) Compliance with this schedule shall not negate the need for the proponent to comply with all other applicable legislation, standards, policies and any other form of requirements.

## **2.9 Transitional Provisions**

- (1) Where an application for environmental authorisation has been lodged by a proponent with the competent authority at the time of the adoption of the schedule, for an activity excluded within this schedule and within the relevant environmental management zone, the proponent will either-
  - a) withdraw the application with the competent authority and apply for registration of the excluded activity, or

- b) continue with the process for the application for environmental authorisation through the EIA process, as stipulated in the Environmental Impact Assessment Regulations (2014).
- (2) In the event that the registration for an excluded activity for the expansion of an existing facility is applied for, in which the existing facility has an existing environmental authorisation in place, the conditions of the environmental authorisation will only be applicable to the existing facility and the minimum standards stipulated in this schedule will only be applicable to the expanded portion of such facility and not the entire facility.

### **3 CHAPTER 3: LIST OF EXCLUDED ACTIVITIES**

#### **3.1 Listing Notice 1**

- (1) The activities listed are the identified activities for Listing Notice 1 that are excluded from the requirement to obtain an environmental authorisation, within Zone 1 (Urban Development Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) -
- a) Activity 6;
  - b) Activity 9;
  - c) Activity 11;
  - d) Activity 13;
  - e) Activity 44;
  - f) Activity 45;
  - g) Activity 47;
  - h) Activity 50;
  - i) Activity 56;
  - j) Activity 63;
  - k) Activity 64; and
  - l) Activity 66.
- (2) The activities listed are the identified activities for Listing Notice 1 that are excluded from the requirement to obtain an environmental authorisation, within Zone 5 (Industrial and Large Commercial Focus Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) -
- a) Activity 6;

- b) Activity 9;
- c) Activity 10;
- d) Activity 11;
- e) Activity 13;
- f) Activity 14;
- g) Activity 36;
- h) Activity 38;
- i) Activity 39;
- j) Activity 40;
- k) Activity 41;
- l) Activity 43;
- m) Activity 44;
- n) Activity 45;
- o) Activity 47;
- p) Activity 50;
- q) Activity 51;
- r) Activity 56;
- s) Activity 63;
- t) Activity 64; and
- u) Activity 66.

- (3) The exclusion of activity 10 of Listing Notice 1 within Zone 1 (Urban Development Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) will only be permissible for developments relating to the bulk transportation of sewerage. Developments for effluent, process water, wastewater, return water, industrial discharge or slimes are only permissible in Zone 5 of the adopted Gauteng Provincial Environmental Management Framework (2014), as per clause 3 (2) of these exclusions.
- (4) The exclusion of activity 46 of Listing Notice 1 within Zone 1 (Urban Development Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) will only be permissible for development expansions relating to the bulk transportation of sewerage. Development expansions for effluent, process water, wastewater, return water, industrial

discharge or slimes are only permissible in Zone 5 of the adopted Gauteng Provincial Environmental Management Framework (2014), as per clause 3 (2) of these exclusions.

- (5) The exclusion of activity 57 of Listing Notice 1 within Zone 1 (Urban Development Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) will only be permissible for development expansions relating to the treatment of sewerage. Development expansions for effluent or wastewater are only permissible in Zone 5 of the adopted Gauteng Provincial Environmental Management Framework (2014), as per clause 3 (2) of these exclusions.

### **3.2 Listing Notice 2**

- (1) The activities listed are the identified activities for Listing Notice 2 that are excluded from the requirement to obtain an environmental authorisation, within Zone 1 (Urban Development Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) -
  - a) Activity 9; and
  - b) Activity 11.
  
- (2) The activities listed are the identified activities for Listing Notice 2 that are excluded from the requirement to obtain an environmental authorisation, within Zone 5 (Industrial and Large Commercial Focus Zone) of the adopted Gauteng Provincial Environmental Management Framework (2014) –
  - a) Activity 4;
  - b) Activity 7;
  - c) Activity 9; and
  - d) Activity 11.

## **4 CHAPTER 4: MINIMUM STANDARDS**

### **4.1 General Application of Minimum Standards**

- (1) Any excluded activity must adhere to the applicable minimum standards for a registered development, irrespective of the nature, extent and whether the activity is situated within Zone 1 or Zone 5 of the Gauteng Provincial Environmental Management Framework.

- (2) The standards must be included into the EMPr, where applicable. Alternative methods, described in the EMPr, may be employed; however, these must be scientifically sound, appropriate and fulfil the same outcome as the standards detailed within this Schedule.
- (3) A minimum standard may be deemed not applicable if an appropriate mitigation measure, described in the EMPr, negates the need for compliance with that standard.
- (4) Exclusions that exist within the National Environmental Impact Regulations, 2014, negate the need for standards where such exclusion applies to the development in part or in entirety.

#### **4.2 Minimum Air Quality Standards**

- (1) Any development that generates emissions during construction and / or operation, must comply with the applicable limits set in the current relevant air emissions standards.
- (2) Proponents must comply with the dustfall standards, as described in the current relevant dust control regulations during the construction of any identified activity within this schedule.
- (3) The EMPr must include measures to sufficiently provide for the avoidance, management and mitigation of dust during construction, such as or similarly to –
  - a) prescribe vehicle access routes that reduce dust generated from site;
  - b) vehicle speeds should be limited to 30 kilometres per hour on gravel and dirt roads;
  - c) vegetation clearing must be done in a phased manner in that only the required area for the planned construction is clear of vegetation;
  - d) not siting developments on fine grained soils that are prone to wind erosion;
  - e) covering of soil and other stockpiles with vegetation or shade cloths; and
  - f) covering of vehicles transporting soil and overburden.
- (4) The EMPr must include measures to sufficiently provide for the avoidance, management and mitigation of emissions during construction, such as or similarly to –
  - a) prohibiting open fires on site; and
  - b) ensuring all vehicles and equipment are properly maintained.

- (5) The EMPr must include measures to sufficiently provide for the avoidance, management and mitigation of emissions during operation, such as or similarly to –
- a) closed loop systems;
  - b) preventative barriers; and
  - c) point source treatment.
- (6) The following activities, as per section 3 (1) of this schedule, must undertake air quality monitoring during operation and manage any emissions associated with the facility –
- a) Activity 36;
  - b) Activity 38;
  - c) Activity 43; and
  - d) Activity 57.
- (7) The frequency at which air quality monitoring takes place for construction and for activities, identified in this schedule that require operation air quality monitoring, is be dependent on the site, scale and nature of the development and must be prescribed in the EMPr.

#### **4.3 Minimum Noise Standards**

- (1) The EMPr must include measures to sufficiently provide for the avoidance, management and mitigation to control noise, such as or similarly to –
- a) construction vehicles and equipment must be maintained and kept in good order;
  - b) night-time construction must be avoided and must be contained to reasonable hours during the day and early evening;
  - c) residents in affected areas must be given prior warning of any blasting that may be taking place;
  - d) Noise mufflers and/or soft explosives must be used during blasting to minimise the impact; and
  - e) noise and vibration monitoring must be undertaken throughout construction activities that involve blasting and the use of heavy machinery.
- (2) The environmental noise limits for urban, rural and industrial areas must adhere to the current relevant standard that is applicable for construction and for operation of the development.

- (3) The following activities, as per section 3 (1) of this schedule, must undertake noise monitoring during operation and manage any operational noise associated with the facility –
- a) Activity 6;
  - b) Activity 9;
  - c) Activity 10;
  - d) Activity 36;
  - e) Activity 38;
  - f) Activity 39;
  - g) Activity 40;
  - h) Activity 41;
  - i) Activity 43;
  - j) Activity 45;
  - k) Activity 46;
  - l) Activity 57;
  - m) Activity 63; and
  - n) Activity 64.
- (4) The following activities, as per section 3 (2) of this schedule, must undertake continuous noise monitoring and manage any operational noise associated with the facility –
- a) Activity 7; and
  - b) Activity 11.
- (5) The frequency at which noise monitoring takes place for construction and for activities, identified in this schedule that require operation noise monitoring, is be dependent on the site, scale and nature of the development and must be prescribed in the EMPr.
- (6) The following activities, as per section 3 (1) of this schedule, must have pumps housed in a brick or other suitable building to reduce noise generated from the operation of the pumps –
- a) Activity 9;
  - b) Activity 11;
  - c) Activity 45;
  - d) Activity 46;
  - e) Activity 57; and

f) Activity 63.

(7) The following activities, as per section 3 (2) of this schedule, must have pumps housed in a brick or other suitable building to reduce noise generated from the operation of the pumps –

- a) Activity 7; and
- b) Activity 11.

#### 4.4 Minimum Visual Standards

(1) The EMPr must include measures to sufficiently provide for the avoidance, management and mitigation of visual impacts, including but not limited to –

- a) Configuration of construction sites to reduce visual intrusions –
  - i. Siting of waste and storage areas;
  - ii. Change rooms and ablution facilities;
- b) Siting of developments must take sensitive receptors into consideration, as far as practically possible.
- c) Appropriate screening measures during construction to reduce visual impacts;
- d) Limited use of highly reflective materials and paints;
- e) Reduce light pollution during construction and operation through –
  - i. The use of natural light; and
  - ii. Positioning of security lights.
- f) The use of neutral colour pallets for structures, associated with the following activities as per section 3 (1) of this schedule, must be used to blend in with the surrounding landscapes –
  - i. Activity 6;
  - ii. Activity 11;
  - iii. Activity 13; and
  - iv. Activity 47.
- g) The use of neutral colour pallets for structures, associated with the following activities as per section 3 (2) of this schedule, must be used to blend in with the surrounding landscapes –
  - i. Activity 9.

(2) New development structures must be clustered as close as possible to existing development.

#### 4.5 Minimum Hazardous Substances Standards

- (1) The relevant Material Safety Data Sheets must be available on site.
- (2) The storage, use and disposal of hazardous substances must be in accordance with the relevant Material Safety Data Sheets.
- (3) Hazardous substances must be stored in areas that are bunded to a 110% of the volume of the hazardous substance being stored. The bunded area must be covered.
- (4) Staff that will be handling hazardous substances must be trained to do so.
- (5) Any hazardous materials (apart from fuel) must be stored within a lockable store with a sealed floor.
- (6) Storage areas containing hazardous substances / materials must be clearly signposted.

#### 4.6 Minimum Waste Standards

- (1) The waste management hierarchy must be adhered to during the construction of developments, such as or similarly to –
  - a) the reuse of inert material for rehabilitation of construction areas;
  - b) green procurement of construction materials; and
  - c) reuse of non-contaminated materials from decommissioning as construction material.
- (2) General waste storage area must be demarcated and fenced and must not occur within any watercourse or any sensitive area.
- (3) No burning of waste may occur on site and all waste must be disposed of at a licensed waste disposal facility or in line with the conditions of a valid waste licence.
- (4) Refuse bins must be placed at strategic positions to ensure that litter does not accumulate within the construction site

- (5) All waste generated on site must be separated into glass, plastic, paper, metal and wood and recycled.
- (6) The site must be kept clear of litter.
- (7) Skip waste containers should be maintained on site and collected regularly from the site.

#### **4.7 Minimum Water Quality Standards**

- (1) The proponent must undertake surface water monitoring during construction for any activity that is within 100 metre of a watercourse.
- (2) The proponent must identify any unmapped wetlands, especially seep areas that may occur on any site and when necessary apply for the required water use licence. These wetlands and their hydrological linkages must be excluded from the development footprint.
- (3) The proponent is required to take continuous surface water monitoring during operation for the following excluded activities, as per section 3 (1) of this schedule, if the activity is within 100 metres of a watercourse -
  - i. Activity 6;
  - ii. Activity 9;
  - iii. Activity 10;
  - iv. Activity 38;
  - v. Activity 39;
  - vi. Activity 41;
  - vii. Activity 45;
  - viii. Activity 46;
  - ix. Activity 57; and
  - x. Activity 63.
- (4) The proponent is required to take surface water monitoring during operation for all excluded activities identified in section 3 (2) of this schedule, if the activity is within 100 metres of a watercourse.

- 
- (5) Wastewater discharge entering into a watercourse from these facilities must adhere to the current relevant waste discharge standards, as is dependent on the parameters within the discharge.
- (6) Where water quality is above discharge limits prescribed in the current relevant waste discharge standards, suitable and adequate treatment measures must be taken prior to discharge.
- (7) Baseline assessments of the water resource which is affected by the discharge or if the development is within 100 metres of a watercourse must be undertaken prior to the construction of the facility.
- (8) The sewage system must be connected to a municipal sewer network with adequate capacity or where municipal sewer networks are unavailable, a closed system, dry composting toilets or conservancy tanks must be used. Conservancy tanks must be located more than 100 metres from a borehole, well point or watercourse and all sewage facilities used during development phases must be installed according to the manufacturer's specifications.
- (9) Spillages during construction and operation must be remediated immediately and contaminated material must be removed and disposed of at a licensed waste disposal facility.
- (10) The monitoring of facilities for leakages must be undertaken during operation for the following activities, as per section 3 (1) of this schedule –
- a) Activity 9;
  - b) Activity 10;
  - c) Activity 45;
  - d) Activity 46;
  - e) Activity 57; and
  - f) Activity 63.
- (11) The monitoring of facilities for leakages must be undertaken during operation for the following activities, as per section 3 (2) of this schedule –
- a) Activity 7; and

b) Activity 11.

- (12) All cement storage and mixing must take place inside the development footprint outside any watercourses or any sensitive area.
- (13) Runoff from the development during construction and operation must be strictly controlled. Contaminated water must be collected, stored and disposed of at an appropriate site or treated before discharge.
- (14) The batching area must be bunded with earth berms or sandbags to prevent contaminated runoff affecting surrounding water resources.
- (15) Batching shall not be done directly on the ground. Plastic liners or mixing trays must be used.
- (16) Vehicles and equipment must be serviced in the designated area, away from sensitive features, within the Contractors camp.

#### **4.8 Minimum Stormwater Management Standards**

- (1) The EMPr must include measures to manage stormwater and mitigate the contaminated water related to the discharge and / or treatment prior to discharge –
- a) site management must be done in a manner that prevents pollution; and
  - b) installation of stormwater systems must be done after commencement of construction activities.
- (2) Management of stormwater runoff, in accordance with the South African guidelines for sustainable urban drainage systems, must take place as close to the source as possible, according to the hierarchy listed below-
- (a) At source storm water management through inclusion of the following or similar into the development where practically possible:
    - i. green roofs;
    - ii. rainwater harvesting;
    - iii. permeable pavements and parking areas; and
    - iv. soakaways.

- (b) Local controls stormwater runoff management, typically within the road reserves through inclusion of the following or similar into the development where practically possible:
- i. bio-retention areas;
  - ii. filter strips;
  - iii. infiltration trenches;
  - iv. sand filters; and
  - v. swales.
- (c) Regional controls to manage combined stormwater runoff from several developments through inclusion of the following or similar into the development where practically possible:
- i. constructed wetlands;
  - ii. detention ponds; and
  - iii. retention ponds.
- (3) The management of stormwater must ensure that additional runoff water is stored and released at a rate that will not impact negatively on the natural flow capacity of rivers and streams.
- (4) The frequency at which monitoring takes place for construction and for activities, identified in this schedule that require operational monitoring, is be dependent on the site, scale and nature of the development and must be prescribed in the EMPr.
- (5) Networks for blue and green open spaces and corridors must serve as an element in drainage infrastructure.
- (6) Measures must be taken in design and construction of developments to account for floodway for flood conveyance during storm occurrences.
- (7) Measure must be taken in design and construction of urban waterways to mitigate the impact on aquatic and riparian systems within and downstream of the area surrounding the development.

- (8) Design principles must keep water in the landscapes and promote lush and well-irrigated vegetation.
- (9) Stormwater retention facilities must incorporate an additional 15% to 20% capacity to cater for potential higher runoff events that are likely to occur as a result of climate change.
- (10) In order to minimize artificially generated surface stormwater runoff, total sealing of paved areas such as parking lots, driveways, pavements and walkways must be avoided. Permeable material should rather be utilized for these purposes.

#### 4.9 Minimum Water Resource Standards

- (1) The proponent must position the activity in a manner that takes any watercourse into consideration and these watercourses must be avoided.
- (2) The following standards must be adhered to where excluded activities will impact wetlands –
  - (a) Where a wetland has significant conservation value a buffer of 200 metres or greater must be reserved, specialist input may be obtained to indicate a reduced buffer.
  - (b) Where the ecological processes and major food-webs must be maintained for continued wetland functioning, a buffer of 50 metres is required.
  - (c) For stormwater discharge a buffer of 100 metres – 250 metres wide must be maintained between the storm water outflow and the outer boundary of the wetland -
    - i. The buffer must have mechanisms for dissipating water energy and spreading and slowing water flow and preventing erosion.
  - (d) Where the wetland has a particular high biodiversity value, further buffering and linkages to other natural areas are likely to be required, the width of which would depend on the specific requirements of the biota. The high biodiversity value will be evaluated using -
    - i. Plant species;
    - ii. Birds species;
    - iii. Invertebrates; and
    - iv. Amphibians.

The extended buffer will depend on the specific ecological requirements (functional and structural) of each species, as is determined by specialists through application of scientific proven methods.

- (e) Where no other reasonable alternative route exists except for a road, railway or pipe traversing a wetland, it must be ensured that the development has minimal effect on the flow of water through the wetland.
  - (f) Where a linear development will run alongside a wetland and intercept natural hill slope runoff into the wetland -
    - i. The development must be set back from the boundary of the wetland by at least 50 metres; and
    - ii. feed-off points, if applicable, should be included at frequent intervals along the development (at least every 100 metres) and the outflows of these should conform to the requirements of the storm water outflows (given in Item (d) above).
  - (g) Contaminated drainage may not be developed in such a way that will drain into wetlands.
- (3) The contractor is to check that all water courses are free from building rubble, spoil materials and waste materials.
- (4) No development may take place within the 1:100 year floodline.
- (5) Where watercourse crossings are developed, sedimentation and erosion control measures must be implemented.
- (6) The abstraction of water from a watercourse during construction must not reduce river flow to less than the ecological reserve for that river.
- (7) Any development taking place on dolomitic land must be in accordance with the current relevant standard for development of dolomitic land.
- (8) Ablution facilities will not be permitted within 100 metres from any natural water bodies or boreholes.
- (9) Pylons must not be constructed within any drainage line.

- (10) Access roads must avoid drainage lines, if this is not possible then substrate continuity must be maintained between the drainage line surfaces.
- (11) Adequate sedimentation control measures must be enforced where excavations or disturbance of drainage lines of a wetland may take place.

#### 4.10 Minimum Biodiversity Standards

- (1) Prior to construction, fences must be erected in such a manner to prevent access and damage to any sensitive areas.
- (2) Disturbance or mortality of indigenous fauna must be minimised through avoiding roosting and nesting sites, migration pathways, flight paths and/or feeding grounds of threatened fauna in sensitive areas by all components of the development.
- (3) Where Red List and / or Orange List plant populations occur, a 200 metre buffer must be reserved.
- (4) Where practically possible, indigenous trees growing on the site must be retained as part of the landscaping, with specific emphasis on the following species: *Acacia erioloba*, *Boscia albitrunca*, *Combretum imberbe*, *Ilex mitis var. mitis*, *Pittosporum viridiflorum*, *Prunus africana*, *Sclerocarya birrea subsp. caffra*. Measures to ensure that these trees survive the physical disturbance from the development must be implemented.
- (5) If a site and all relevant adjacent properties within a 500 metre radius have fauna falling under the Red List bird species prioritized by GDARD, a specialist study must be undertaken and the mitigation measures included in the EMPr.
- (6) All caves are designated as sensitive and a 500 metre buffer zone must be reserved.
- (7) During all phases of the development, alien and invasive plant species must be controlled on site and indigenous species must be used for rehabilitation.

- (8) The proponent must proactively consider all development in terms of guiding protected areas expansion and stewardship programmes; and improving land management through programmes such as the clearing of invasive alien plants or wetland rehabilitation.
- (9) During construction vegetation clearing must be minimised to the development footprint.
- (10) Prior to vegetation clearing, rare or endangered species must be removed and transplanted to demarcated areas.
- (11) Habitat connectivity during the siting of the following activities, as per section 3 (1), must be protected as far as practically possible—
- a) Activity 9;
  - b) Activity 10;
  - c) Activity 11;
  - d) Activity 45;
  - e) Activity 46;
  - f) Activity 47;
  - g) Activity 63; and
  - h) Activity 64.
- (12) Habitat connectivity during the siting of the following activities, as per section 3 (2), must be protected as far as practically possible—
- a) Activity 7;
  - b) Activity 9; and
  - c) Activity 11.
- (13) Outside lighting must be designed to minimize impacts on fauna. All outside lighting must be directed away from sensitive areas. Fluorescent and mercury vapour lighting must be avoided and sodium vapour (yellow) lights should be used wherever possible.
- (14) All stormwater structures should be designed so as to allow for the free flow of amphibian and reptile movement without the need to cross both permanent and temporary road surfaces.

(15) Anti-collision devices such as bird flappers must be installed where powerlines cross corridors that are associated with flight pathways.

(16) Adequate soil layer must be provided for successful establishment of vegetation.

#### **4.11 Minimum Standards for Pollution Buffers**

(1) Buffer zones for pollution sources from residential, retail, recreational, tourism, commercial, or institutional developments must be adhered to as set out within this schedule, to ensure healthy and safe environments, and to reduce nuisance of developments, and to protect populations from pollution.

(2) The specific size for the preferred pollution buffer or minimum pollution buffer, in terms of listing notice 1 excluded activities, must be established by a person with the relevant expertise, and must be-

(a) at least 750 metres for a minimum pollution buffer and 1500 metres for a preferred pollution buffer for the following excluded activities, as per section (3) (1) of this schedule-

- i. Activity 38; and
- ii. Activity 57 (excluding sewerage treatment works).

(b) at least 250 metres for a minimum pollution buffer and 500 m for a preferred pollution buffer for the following excluded activities, as per section (3) (1) of this schedule-

- i. Activity 6;
- ii. Activity 39;
- iii. Activity 40;
- iv. Activity 41; and
- v. Activity 43.

(c) at least 50 metres for a minimum pollution buffer and 100 metres for a preferred pollution buffer for the following excluded activities, as per section (3) (1) of this schedule-

- i. Activity 14; and
- ii. Activity 51.

- (d) at least 500 metres for a minimum pollution buffer and 800 metres for a preferred pollution buffer for the sewerage treatment works, as per the excluded activity 57, in terms of section (3) (5) of this schedule.
- (3) The specific size for the preferred pollution buffer or minimum pollution buffer, in terms of listing notice 2 excluded activities, must be established by a person with the relevant expertise, and must be-
- (a) at least 50 metre for a minimum pollution buffer and 100 metre for a preferred pollution buffer for the following excluded activities, as per section (3) (2) of this schedule-
    - i. Activity 4.

#### 4.12 Minimum Ridge Standards

- (1) The proponent must position the activity in a manner that takes any ridge into consideration and these ridges must be avoided.
- (2) All developmental activities must comply with the criteria set aside in the 4 classes of the Development Guideline for Ridges (2001), or as amended. This sets aside 4 classes-
- (a) class 1 (1 – 0-5 % transformed);
  - (b) class 2 (5 – 35 % transformed);
  - (c) class 3 (35 – 65 % transformed);
    - i. class 3 (A) Low impact development areas; and
    - ii. class 3 (B) High impact development areas
  - (d) class 4 (65 - 100 % transformed)
- (3) If the ridge exists in class1, 2, 3 the proponent must ensure compliance with the following specifications-
- (a) No further development or subdivision of the delineated ridge will be allowed in zone 1 and zone 5.
  - (b) If the proponent wants to deviate from the strict no-go policy, an EIA process must be undertaken.
  - (c) Only low impact activities with an ecological footprint of 5 percent or less will be permitted in the 200 metres buffer zone for class 1, 2, 3 and 4 ridges.
  - (d) If the ridge exists in class 4 and in the event that the following exemptions don't apply-

- i. a Red Data species is recorded for the ridge;
- ii. the open space is 4 hectares or larger; and
- iii. surrounding community/landowners object.

Then-

- iv. The proponent is permissible of exclusions stated in this schedule for zone 1 and zone 5 for low impact developments, only
  - v. All impacts for potential developments must be sufficiently mitigated, and described in the EMPr.
- (e) The proponent is responsible for the development of management measures, as part of the EMPr, to maintain the ecological integrity of the remaining property.

#### **4.13 Minimum Standards for Soil Conservation**

- (1) Topsoil from construction activities must be stockpiled in a suitable manner and location and must be protected to reduce loss.
- (2) Topsoil must not be compacted severely to inhibit vegetation growth.
- (3) Topsoil must be kept separate from overburden and must not be used for infilling.
- (4) Stockpiled soil must be protected by erosion-control berms.
- (5) Stockpiled topsoil must be either vegetated with indigenous grasses or covered with a suitable fabric to prevent erosion.
- (6) Topsoil stockpiles must not be contaminated with oil, diesel, petrol, waste or any other foreign matter, which may inhibit the later growth of vegetation and micro-organisms in the soil.
- (7) Shaping of remaining profile must be blended in with the gradients of the surrounding landscape.
- (8) Runoff must be reduced by channeling water into a surface drainage system.

- (9) Soil erosion on site must be prevented during all phases of the development. Erosion control measures such as stone pitching and gabions must be implemented in areas sensitive to erosion.
- (10) Stormwater management systems must be maintained to prevent runoff and the formation of gulley erosion.
- (11) Alien invasive plant species must be removed from the topsoil stockpiles to ensure the endemic seed bank stays intact.

#### **4.14 Minimum Heritage Standards**

- (1) Prior to commencement of construction, all staff need to know what possible archaeological or historical objects of value may look like, and to notify the Engineer should such an item be found on site.
- (2) Any finds must be reported to the nearest National Monuments office to comply with the National Heritage Resources Act (Act No 25 of 1999).
- (3) Local museums as well as the South African Heritage Resource Agency (SAHRA) must be informed if any artefacts are uncovered in the affected area.
- (4) Any discovered artifacts shall not be removed under any circumstance.
- (5) Any destruction of a site can only be allowed once a permit is obtained and the site has been mapped and noted.
- (6) If anything is noticed, work in that area should be stopped and the occurrence should immediately be reported to a museum, preferably one at which an archaeologist is available. The archaeologist must then investigate and evaluate the find.
- (7) Any destruction of a site can only be allowed once a permit is obtained and the site has been mapped and noted.

(8) Any mitigation measures prescribed by the archeologist must be included in the EMPr.



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