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**Pretoria, 10 May  
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**No. 23401**



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## GOVERNMENT NOTICES

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R. 670

10 May 2002

#### ENVIRONMENT CONSERVATION ACT, 1989

#### IDENTIFICATION UNDER SECTION 21 OF ACTIVITIES WHICH MAY HAVE A SUBSTANTIAL DETRIMENTAL EFFECT ON THE ENVIRONMENT

#### AMENDMENT NOTICE

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, under section 21 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), hereby amend Government Notice No. R.1182 of 5 September 1997, as set out in the Schedule.

#### SCHEDULE

Schedule 1 to Government Notice No. R.1182 of 5 September 1997, as amended by Government Notice No. R.1355 of 17 October 1997 and Government Notice No. R.448 of 27 March 1998, is hereby amended –

- (a) by the substitution for item 1 of the following item:

“1. The construction, erection or upgrading of –

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;

- (b) nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels and wastes;
- (c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation –
  - (i) infrastructure, excluding road and rail, for the transportation of any such substance; and
  - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
- (d) roads, railways, airfields and associated structures;
- (e) marinas, harbours and all structures below the high-water mark of the sea and marinas, harbours and associated structures on inland waters;
- (f) above ground cableways and associated structures;
- (g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes;
- (h) racing tracks for motor-powered vehicles and horse racing, but not including indoor tracks;

- (j) canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments;
- (k) dams, levees and weirs affecting the flow of a river;
- (l) reservoirs for public water supply;
- (m) schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes;
- (n) public and private resorts and associated infrastructure;
- (o) sewage treatment plants and associated infrastructure;
- (p) buildings and structures for industrial, commercial and military manufacturing and storage of explosives or ammunition or for testing or disposal of such explosives or ammunition.”;

(b) by the substitution for paragraph (c) of item 2 of the following paragraph:

- “(c) agricultural or zoned undetermined use or an equivalent zoning, to any other land use.”;

(c) by the substitution for item 3 of the following item:

- “3. The concentration of livestock, aquatic organisms, poultry and game in a confined structures for the purpose of commercial production, including aquaculture and mariculture.”;

d) by the substitution for item 7 of the following item:

“7. The reclamation of land, including wetlands, below the high-water mark of the sea, and in inland waters.”;

(e) by the substitution for item 8 of the following item:

“8. The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble.”; and

(f) by the addition of the following items:

“10. The cultivation or any other use of virgin ground.

11. In these Regulations, unless the context indicates otherwise –

“**relevant authority**” means a relevant authority as defined in regulation 1 of Government Notice No. R.1183 of 5 September 1997, as amended by Government Notice No. R. 1645 of 11 December 1998;

“**road**” means –

- (a) any road determined to be a national road in terms of section 40 of the South African National Roads Agency Limited and National Roads Act, 1998, (Act No.7 of 1998), including any part of such road;
- (b) any road for which a fee is charged for the use thereof;
- (c) any provincial road administered by a provincial authority;
- (d) any arterial road or major collector street administered by a metropolitan or local authority;
- (e) any road or track in an area protected by legislation for the conservation of biological diversity or archaeological, architectural or cultural sites or an area that has been zoned open space or an equivalent zoning; or

- (f) any road or track in an area regarded by the relevant authority as a sensitive area.

**“upgrading”** means the expansion beyond its existing size, volume or capacity of an existing facility, installation or other activity referred to in this Schedule, but does not include regular or routine maintenance and the replacement of inefficient or old plant, equipment or machinery where such does not have an increased detrimental effect on the environment;

**“virgin ground”** means land which has at no time during the preceding 10 years been cultivated.”

No. R. 672

10 May 2002

**ENVIRONMENT CONSERVATION ACT, 1989****AMENDMENT OF REGULATIONS REGARDING ACTIVITIES  
IDENTIFIED UNDER SECTION 21(1)**

The Minister of Environmental Affairs and Tourism has under sections 26 and 28 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

**SCHEDULE****Definitions**

1. In this Schedule "the Regulations" means the Regulations promulgated by Government Notice No. R.1183 of 5 September 1997, as amended by Government Notice No. R. 1645 of 11 December 1998.

**Amendment of Regulation 3A of the Regulations**

2. Regulation 3A of the Regulations is hereby amended by the insertion of the phrase "or classes of applications dealing with similar types of activities" after the word "application".

### **Amendment of Regulation 4 of the Regulations**

#### **3. Regulation 4 of the Regulations is hereby amended-**

(a) by the substitution for paragraph (b) of subregulation (3) of the following paragraph:

“(b) where the activity concerned will take place within an area that is demarcated as an area of national or international importance, but does not include the sea-shore, conservancies, protected natural environments, proclaimed private nature reserves, natural heritage sites, and the buffer zones and transitional areas of biosphere reserves and world heritage sites;” and

(b) by the substitution for paragraph (d) of subregulation (3) of the following paragraph:

“(d) where a national government department, the relevant provincial authority or a statutory body other than a municipality contemplated in section 12 of the Local Government: Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000) is the applicant; or”.

### **Amendment of Regulation 9 of the Regulations**

#### **4. Regulation 9 of the Regulations is hereby amended by the addition of the following subregulation:**

“(3) The relevant authority may, from time to time, on new information, review any condition determined by it as contemplated in subregulation (1)(a), and if it deems it necessary, delete or amend such condition, or at its discretion,

determine new conditions, in a manner that is lawful, reasonable and procedurally fair.”.

### **Amendment of Regulation 10 of the Regulations**

5. Regulation 10 of the Regulations is hereby amended by the insertion after subregulation (1) of the following subregulation:

- “(1A) The record of decision contemplated in subregulation (1) must indicate the period within which, and the method how, the applicant must make the record of decision available to any interested party who has complied with regulation 3(5) or who is included in the appendix contemplated in regulation 6(1)(e).”.
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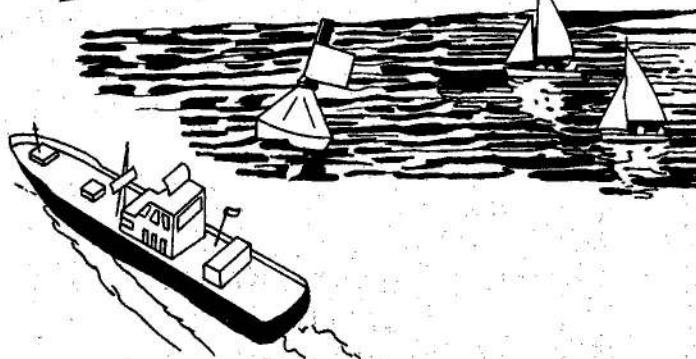
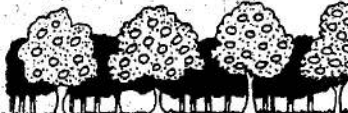
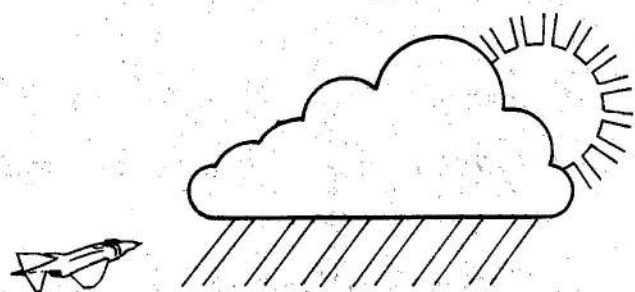
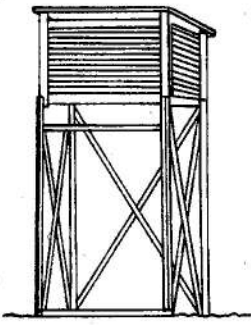
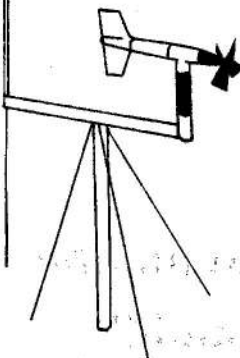
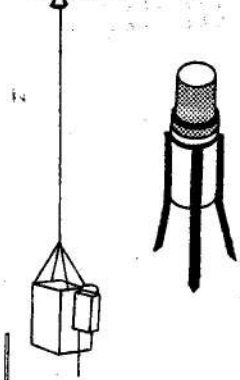
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