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GOVERNMENT NOTICES

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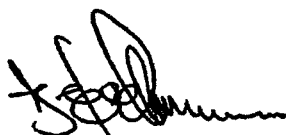
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NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

PUBLICATION OF THE COMPANION GUIDELINE ON THE IMPLEMENTATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010

I, Bomo Edith Edna Molewa, the Minister of Water and Environmental Affairs, hereby publish, in terms of section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998) the Companion Guideline on the Implementation of the Environmental Impact Assessments Regulations, 2010, in the schedule hereto.



BOMO EDITH EDNA MOLEWA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

INTEGRATED ENVIRONMENTAL MANAGEMENT GUIDELINE SERIES (GUIDELINE 5)

**COMPANION TO THE ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS, 2010**

Further titles in this series of guideline documents are being prepared and will be made available periodically. The Sequence of release and titles are subject to change.

Guideline Series 1	Environmental Management Co-operation Agreements
Guideline Series 2	NEMA S24G (ECA applications)
Guideline Series 3	NEMA S24G
Guideline Series 4	Strategic Environmental Assessment
Guideline Series 5	Companion to the NEMA EIA Regulations of 2010
Guideline Series 6	Environmental Management Framework
Guideline Series 7	Public Participation
Guideline Series 8	Handbook for Authorities on Handling the Appeals in Terms of NEMA S43

ISSUED BY:

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South Africa

These documents are available on the DEA website <http://www.environment.gov.za>.

PLEASE NOTE: These documents are guidelines and serve as reference and supportive text only and cannot take the place of legal advice in a specific situation governed by legislation. These documents will not take the place of any regulations published by the DEA.

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REFERENCING

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PREFACE

This document is one of the series of guideline documents on environmental impact management legislation and regulations.

The material in this document is intended to be used as an accompanying document to the NEMA EIA Regulations 2010; it makes the content of the new EIA regulations available in laymen's terms.

ACKNOWLEDGEMENTS

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ABBREVIATIONS

BA	Basic assessment
BAR	Basic assessment report
CA	Competent authority
DEA	Department of Environmental Affairs
DMR	Department of Mineral Resources
EA	Environmental authorisation
EAP	Environmental assessment practitioner
ECA	Environment Conservation Act (Act 73 of 1989)
EIA	Environmental impact assessment
EIR	Environmental impact report
EMF	Environmental management framework
EMPr	Environmental management programme
I&APs	Interested and/or affected parties
ICM Act	Integrated Coastal Management Act (Act 24 of 2008)
IEM	Integrated environmental management
MEC	Member of the Executive Council
MPRDA	Minerals and Petroleum Resources Development Act (Act 28 of 2002)
NEMA	National Environmental Management Act (Act 107 of 1989) as amended
NEM: AQA	National Environmental Management: Air Quality Act (Act 39 of 2004)
NEM: WA	National Environmental Management: Waste Act (Act 59 of 2008)
S&EIR	Scoping and environmental impact assessment report
SR	Scoping report
PoS-EIR	Plan of study for environmental impact report

1. INTRODUCTION AND LEGAL BACKGROUND

Section 24 of the Constitution of the Republic of South Africa of 1996 guarantees everyone has a right to an environment that is not harmful to their health and well-being and to have the environment protected for the benefit of present and future generations. In order to give effect to this right, the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) was promulgated. Section 24J provides for the Minister or MEC, with concurrence of the Minister, to publish guidelines.

This document is one of a series of guidelines developed by the Department of Environmental Affairs (DEA) to provide clarity on aspects of the environmental impact assessment (EIA) Regulations of 2010, as related to the concepts of integrated environmental management (IEM). The key challenge of IEM is to support sustainable development through the use of appropriate tools for environmental impact assessment and management. To this end, IEM in South Africa is being actively promoted through the ongoing development and implementation of environmental policy and legislation, systems and tools as well as training, communication and awareness programmes.

2. PURPOSE OF THE GUIDELINE

The aim of this guideline is to provide a detailed consideration on the practical implementation of the regulations. Specifically, the guideline provides clarity on the processes to be followed when applying for an environmental authorisation in terms of the EIA regulations and gives a comprehensive interpretation of the listed activities. This guideline should be used as a reference document to the NEMA EIA Regulations of 2010.

3. ROLES AND RESPONSIBILITIES

This section sets out the roles and responsibilities of the competent authority, applicant, environmental assessment practitioner and interested and affected parties.

3.1 Competent Authority

The competent authority (CA) is defined in terms of section 1 of NEMA as *"the organ of state charged by this Act with evaluating the environmental impact of that activity and, where appropriate, with granting or refusing an environmental authorisation in respect of that activity"*. As such the CA is the body or entity that fulfils the administrative function of registering, considering and approving (where applicable) all documentation related to the assessment.

The CA provides guidance on the relevant legislation and associated information sources such as guidelines and policies (both national and provincial) that are compulsory and that will enhance the processing of the environmental impact assessment applications. The CA may provide specific input on the scope of the environmental impact assessment process and will require information from the environmental assessment practitioner (EAP) that will allow the CA to reach an informed decision.

Licensing decisions in terms of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (AQA), and the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM: WA), must be informed by an EIA process in accordance with the requirements of the NEMA EIA regulations. The CA in terms of section 24C of NEMA is not necessarily the same authority as the Licensing Authority in terms of Section 36 of the AQA or in terms of the NEMWA.

The MEC responsible for environmental affairs in a province is the CA if the application is province specific. The Minister of Environmental Affairs is the CA for all applications that are being processed by the national department (DEA).

The Minister of Mineral Resources will be the competent authority for mining related applications.

The Minister/MEC can delegate certain responsibilities to officials within their respective departments.

Regulation 9 refers to respective timeframes applicable (basic assessment and S&EIR) to the EIA Regulations of 2010. The CA has 14 days to acknowledge receipt of the application (to acknowledge and accept or acknowledge and reject), and 30 days to consider the basic assessment report [regulation 24(1)(a)] and 30 days to issue a decision on an application [regulation 25(1)]. Similarly, the CA has 30 days to acknowledge and consider the scoping report [regulation 30(1)] (e.g. acknowledge and accept the report if it's in order or acknowledge and reject it if not in order). It has 60 days to consider an environmental impact assessment report [regulation 34(2)], and 45 days to decide on a S&EIR application in terms of regulation 35.

The timeframes for the consideration of the environmental reports e.g. basic assessment report (BAR), scoping report (SR) and environmental impact assessment reporting (EIR) or required information [regulations 24(1) and 34(1)] are automatically extended by 60 days if they are not met by the CA. Similarly, the timeframe for issuing decisions on applications (e.g. granting or refusal of applications for environmental authorisation) [regulations 25(1) and 35(1)] are automatically extended by 60 days if they are not met by the CA.

Upon the lapsing of an extension of timeframes regarding to the consideration to accept or reject the reports, the CA must base his or her decision on the available information, i.e. once the 60 days extension has lapsed, the CA must make a decision (no opportunity to ask for additional info, etc). On the other hand, if the 60 days extension of timeframes to issue final decision on BA or S&EIR application (i.e. to grant or refuse environmental authorisation) has lapsed, the CA has 30 days to issue final decision on the application.

When the competent authority requests comments from other departments of state on the draft reports, those departments must provide such comments within 40 days. The draft report is also made available to the I&APs for comment within this period. A new version of the report is drafted and submitted and another opportunity for comments (this time is possibly shorter than 40 days e.g. 21 days) is given.

3.2 The Applicant

An applicant is a person (including juristic person) who has submitted an application for environmental authorisation, exemption, or amendments to environmental authorisations.

The regulations require the applicant to appoint an environmental assessment practitioner (EAP) who will comply with the regulations on behalf of the applicant. The applicant must provide the environmental impact assessment team and specifically the EAP, with a detailed but precise statement of the purpose and need for the proposed activity, as well as information that will allow the EAP to determine the appropriate level of the environmental impact assessment.

The applicant must-

- Take all reasonable steps to verify whether the EAP to be appointed complies with regulation 17(a) and (b); and
- Provide the EAP with access to all information at the disposal of the applicant regarding the application, whether or not such information is favourable to the applicant.

3.3 Environmental Assessment Practitioner

An EAP is an individual responsible for the planning, management and coordination of environmental impact assessments, strategic environmental assessments, environmental management programmes or any other appropriate environmental management instruments introduced through regulations. The EAP must be independent, objective and have expertise in conducting environmental impact assessments. Such expertise should include knowledge of all relevant legislation and of any guidelines that have relevance to the proposed activity.

An EAP or person compiling a specialist report or undertaking a specialised process appointed, must perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant and disclose to the applicant and competent authority all material information in the possession of the EAP or person compiling a specialist report or undertaking specialised process, that reasonably has or may have the potential of influencing-

- any decision to be taken with respect to the application by the competent authority in terms of these regulation; or
- the objectivity of any report, plan or document to be prepared by the EAP or person compiling a specialist report or undertaking a specialised process, in terms of these regulations for submission to the competent authority.

3.4 Interested and Affected Parties

An interested and affected party (I&AP) is defined as any person, group of persons or organisation interested in or affected by an activity, and any organ of state that may have jurisdiction over any aspect of the activity. There is, however, a difference between I&AP and a registered I&AP. A registered I&AP is a person whose name has been placed on the register of registered I&APs.

In this case, only registered I&APs:

- will be notified of the availability of reports and other written submissions made (or to be made) to the CA by the applicant, and be entitled to comment on these reports and submissions; and
- will be notified of the outcome of the application, the reasons for the decision, and that an appeal may be lodged against a decision.

An I&AP can be directly or indirectly impacted on by a proposed activity. For instance, an I&AP may be a resident in close proximity to the proposed activity, a member of the wider public, a worker or member of staff in a nearby business premises or residence, non-governmental organisations (NGOs), community-based organisations (CBOs), and/or organs of state. If not directly affected but rather an interested party, an I&AP can be almost any person, group of persons, or organisations.

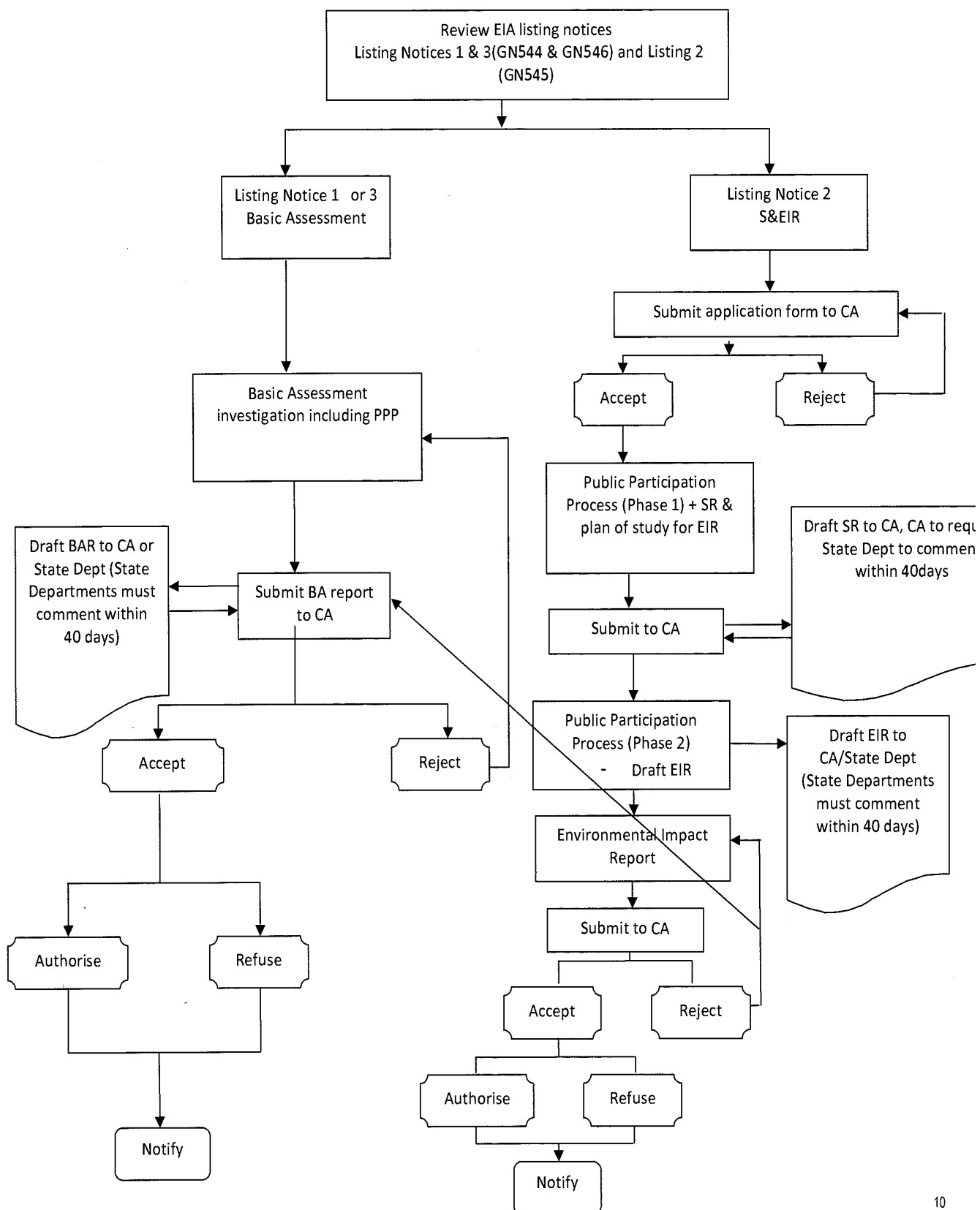
4. ENVIRONMENTAL AUTHORISATION PROCESSES

An EIA process can be defined as a process of examining the possible/potential environmental effects of a development. In the NEMA EIA regulations, the process has been split into two types of assessment, namely a basic assessment process and a scoping and EIR (S&EIR) process.

The difference between the processes relates to the nature of the proposed development as far as it relates to its potential impact on the environment. Also, since the first EIA regulations came into effect in 1997, substantial experience has been gained and the impacts of certain activities are well-known and predictable. These types of activities are likely to require basic assessment whereas the not so well-known development types (as described in listed activities) require S&EIR. The difference between BA and S&EIR is also reflected in the level of detail of the information that is to be collected and assessed.

THE IMPACT ASSESSMENT PROCESS

FIGURE 1



5. APPLICATION FOR ENVIRONMENTAL AUTHORISATION

The following is an explanation of the regulations in the format of frequently asked questions.

Where to submit an application?	
Regulation 4 Regulation 12	<p>An application must be submitted to the relevant competent authority.</p> <p>Where:</p> <ul style="list-style-type: none"> the Minister is the competent authority, an application must be submitted to the DEA; the MEC is the competent authority, an application must be submitted to the relevant provincial department responsible for environmental affairs; and the Minister of Mineral Resources is the competent authority, an application must be submitted to the relevant regional office of the Department of Mineral Resources (DMR). <p>The listing notices containing the listed activities indicate the CA for each of the listed activities.</p>
When submitting an application?	
Regulation 12 (2) Regulation 15 (1)	<p>An application form for EA must always be submitted before conducting either BA or S&EIR.</p> <p>For basic assessment applications [regulation 23 (b)], an EAP must submit the application form, and prescribed fee, where applicable, as well as at least 5 copies of the following documents:</p> <ul style="list-style-type: none"> basic assessment report; any representations, objections and comments received in connection with the application or BA report; the minutes of any meetings held by the EAP with I&APs and other role players that record the views of the participants; any responses by the EAP to those representations, comments and views; declaration of interest by the EAP on a form provided by the CA(if applicable); if the applicant is not the owner or person in control of the land, a copy of a written notice of the proposed activity to the owner or person in control of the land; and proof of having notified such owner or person in control of the land. <p>For scoping and environmental impact reporting (S&EIR) applications [regulation 26 (b)], an EAP / applicant must submit the application form followed by the prescribed fee if any, together with the following documents:</p> <ul style="list-style-type: none"> declaration of interest by the EAP on a form provided by the CA(if applicable); if the applicant is not the owner or person in control of the land, a copy of a written notice of the proposed activity to the owner,

	<p>the manager or person in control of the land;</p> <ul style="list-style-type: none"> • proof of such notice to the owner or person in control of the land; and • 5 copies of the scoping report. <p>In terms of the Mineral and Petroleum Resources Development Act (MPRDA), an application for any right or permit may be submitted simultaneously with an application for an environmental authorisation (EA) [regulation 12 (3a)].</p> <p>Since no fee has been prescribed yet for applications, this is not applicable. However, should a fee be prescribed, it will clearly indicate when the fee is applicable, what the amount is and when it is payable.</p>
What happens after an application has been submitted?	
Regulation 13	<p>A competent authority must, within 14 days of receipt of the application, and in writing:</p> <ul style="list-style-type: none"> • acknowledge receipt of and accept the application if the application is in order, or • acknowledge receipt and reject the application if the application is not in order. <p>Any application that has been rejected may be corrected and resubmitted to comply with the above requirements.</p> <p>No applicant may submit an application which is substantially similar to a previous application which has been refused, unless the new application contains new or material information not previously submitted to the CA, or a period of three years has lapsed [regulation 68].</p> <p>An application lapses if the applicant, after having submitted the application, fails for a period of six months to comply with a requirement in terms of these regulations relating to the consideration of the application, unless the reasons for failure have been communicated to and accepted by the CA [regulation 67].</p>
Can applications for different activities be combined?	
Regulation 14	<p>In cases where more than one activity requires authorisation and such activities form part of the same development, a single application must be submitted. In cases where the same activity is to be undertaken in different locations, different applications must be submitted, unless the CA grants permission for a single application to be submitted. Such a single application is limited to activities that fall within the jurisdiction of the relevant CA. For clarity on CA jurisdiction, refer to section 24C of NEMA.</p> <p>An applicant must in consultation with the CA, whether to submit such a single application or different applications. All implications for both scenarios should be carefully considered, e.g. the proposed development of various cellphone masts in various provinces will need to be submitted to the relevant provincial CAs.</p>
What happens if the applicant is not the owner of the land?	
Regulation 15	An applicant must give written notice of the proposed activity to the owner or the

	<p>person in control of the land and inform such person that he/she may participate in the public participation process.</p> <p>In cases where the owner is unable to understand the content of the notice due to disability, illiteracy or any other disadvantage, the applicant may use alternative means approved by the CA to notify the owner.</p> <p>Proof of having notified such owner or person in control of the land must be submitted with the application form. The format of notice may be determined by the competent authority.</p> <p>Where the provision of written notice and proof of such notice may not be appropriate, the competent authority may then agree with the applicant on the extent and manner of deviations from such requirements.</p>
Can an applicant manage his/her own application?	
Regulation 16	<p>An applicant may in his/her own right submit an application form (only the application form).</p> <p>An applicant must appoint an EAP at their own cost to manage the application.</p>
What are the requirements for an EAP or specialist?	
Regulation 17	<p>An EAP or person compiling a specialist report or undertaking a specialised process must:</p> <ul style="list-style-type: none"> • be independent; • have expertise in conducting EIAs, including knowledge of the Act and regulations and any guidelines relevant to the proposed activity; • be objective; • be compliant with the Act and all relevant legislation; • consider all other relevant factors for application and any reports; and • disclose all relevant available information to the applicant and CA.
Can an EAP be disqualified?	
Regulation 18	<p>If the CA at any stage of considering an application believes that the EAP or specialist may not comply with the requirements in terms of the regulations, the CA must:</p> <ul style="list-style-type: none"> • notify the EAP and applicant that the application has been suspended until the matter is resolved and the reasons therefore; and • afford the EAP and applicant an opportunity to make representations to the CA, in writing. <p>If after consideration of the matter, the CA is still not convinced that the EAP is independent, the CA must in writing inform the EAP and applicant, and may:</p> <ul style="list-style-type: none"> • refuse to accept any further reports or inputs from the EAP; • request the applicant to commission an external review at own cost; • request appointment of another EAP; or

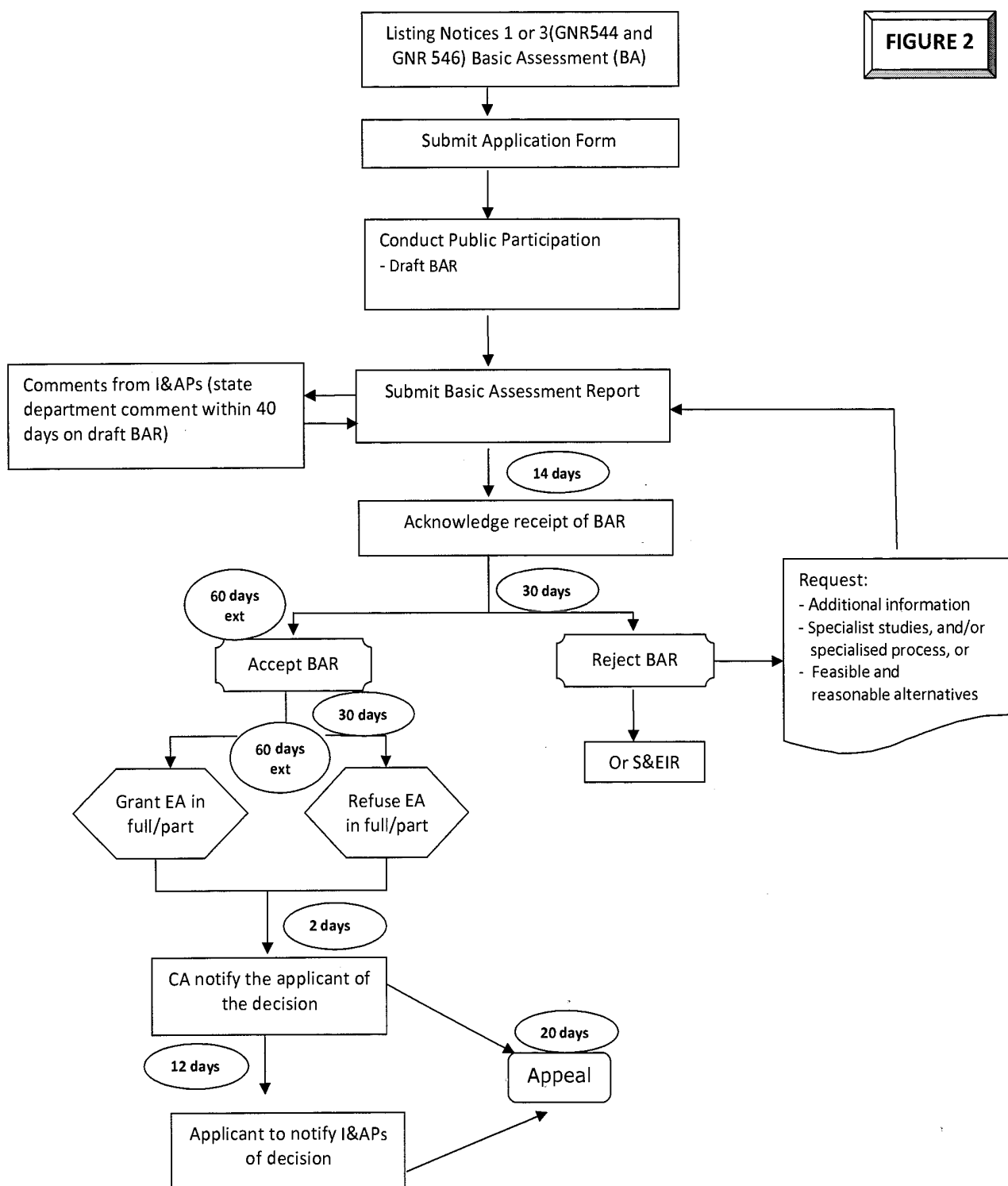
	<ul style="list-style-type: none"> request the applicant to undertake remedial actions. <p>It is the responsibility of the applicant to inform I&APs of any decision taken and to give reasons for the decision. Anyone may inform the authority of suspected non-compliance by the EAP and the CA will then have to investigate such allegations.</p>
What are the criteria for determining the assessment process that must be followed?	
Regulation 20	<p>Basic assessment must be applied:</p> <ul style="list-style-type: none"> to the activities that are listed under GNR 544 and GNR 546; or if the applicant has been granted permission by the CA to apply BA instead of scoping and EIR. <p>Scoping and EIR must be applied:</p> <ul style="list-style-type: none"> to the activities that are listed under GNR 545; if the applicant has been granted permission by the CA to apply scoping and EIR instead of BA; or the application is for two or more activities as part of the same development and any of these activities requires scoping and EIR. <p>This means that an applicant and EAP needs to consider the proposal and check it against the listed activities to determine which process applies.</p> <p>The CA may grant permission to the EAP/applicant to conduct a BA process for activities that should have followed a S&EIR process. The downscaling of an application from S&EIR to BA will require substantial motivation.</p>

6. BASIC ASSESSMENT

A basic assessment (BA) is the procedure designed for listing notices 1 and 3 where the impacts of activities are more generally known and can generally be easily managed. Even if the activity is listed in notice 2, a request can be made to the CA for permission to be granted to rather conduct BA instead of S&EIR. BA is a shorter process with a minimum number of interactions with the CA. The environmental management programme (EMPr) must also be submitted to the CA with the basic assessment report.

BASIC ASSESSMENT

FIGURE 2



Description of the BA process	
Regulations 21-25	<p>The applicant/EAP must submit an application form together with the EAP's declaration of interest and the land owner documentation, and the CA must acknowledge receipt within 14 days.</p> <p>Thereafter, the EAP must:-</p> <ul style="list-style-type: none"> - notify potential I&APs of the application (in terms of regulation 54); - open and maintain a register of I&APs; - consider objections and representations of I&APs; - conduct a BA investigation; - prepare the BA report; - submit the draft BA report to the CA; and - give all I&APs the chance to comment on the basic assessment report (both the draft BAR and the final BAR). <p>After having complied with regulation 21, the EAP must submit to the CA, where applicable, the prescribed fee and at least 5 copies of-</p> <ul style="list-style-type: none"> - the basic assessment report; - any representations, objections and comments received; - minutes of any meetings held with I&APs and other role players which record the views of the participants; - any responses by the EAP to those representations, objections, comments and views; - any responses by the EAP to those representations, objections, comments and views; and - a draft environmental management programme. <p>The CA must, within 14 days of receipt of the BAR, and in writing acknowledge receipt thereof.</p> <p>The CA must within 30 days of acknowledging receipt of the BAR and in writing:</p> <ul style="list-style-type: none"> - accepts the report if it is in order; or - reject it if: <ul style="list-style-type: none"> • it does not contain material information required; or • it is not in line with applicable guidelines. <p>If the BAR is rejected, the EAP managing the application that has been rejected must be requested to:</p> <ul style="list-style-type: none"> - submit such additional information as required; - submit a report on any specialised process as required; - suggest, consider or comment on feasible and reasonable alternatives; or - subject the application to scoping an environmental impact report.

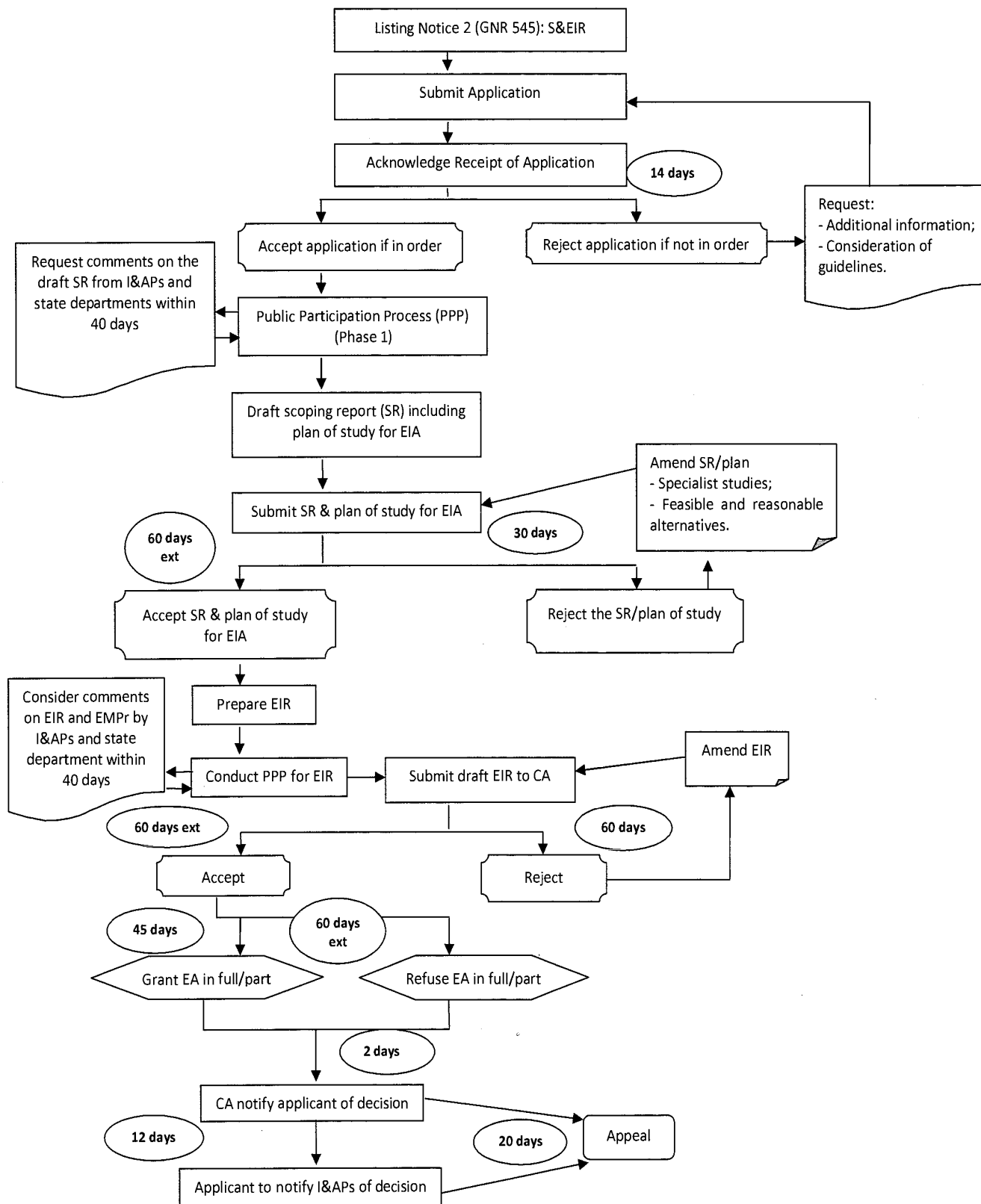
	<p>If the amended BA report contains new information, that revised report should be subjected as per the regulation 21 process.</p> <p>The I&APs are entitled to comment on the amended report and the comments must be attached to the amended BA report, but the EAP need not make further changes to the report in response to such comments.</p> <p>On receipt of any information, reports, suggestions or comments requested, the CA must reconsider the application.</p> <p>If the CA requests that the application be subjected to S&EIR, the S&EIR process applies.</p> <p>A competent authority must, within 30 days of accepting a BAR, or within 30 days of the lapsing of the 60 days extension [regulation 9(2)] consider the application and basic assessment report and in writing:</p> <ul style="list-style-type: none"> - grant EA in respect of all or part of the activity applied for; or - refuse authorisation in respect of all or part of the activity. <p>If authorisation is granted for an alternative, it is regarded that such alternative has been applied for.</p> <p>The CA must in writing:</p> <ul style="list-style-type: none"> - notify the applicant of the decision within 2 days of having reached the decision; - give the reasons for the decision; and - inform the applicant that an appeal notice may be lodged within 20 days of the decision and the appeal submission 30 days later. <p>The applicant must in writing:</p> <ul style="list-style-type: none"> - notify the I&APs within 12 days of the date of the decision; - provide the reasons for the decision; - inform them that an appeal notice may be lodged within 20 days of the decision, and the appeal submission 30 days later. - draw attention of all registered I&APs as to how they can access the EA; and - publish a notice in the newspapers that were used for placing an advert during the public participation process informing I&APs of the decision, where it can be accessed and draw their attention to the fact that an appeal may be lodged.
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7. SCOPING AND EIR

Scoping and EIR (S&EIR) entails a comprehensive environmental impact assessment that includes a scoping phase and an environmental impact assessment phase. In the scoping phase, issues are identified and it includes a plan of study for EIA. The environmental impact assessment phase assesses issues identified in the scoping phase and includes an environmental management programme (EMPr). The EMPr provides information on the proposed activity and the manner in which potential impacts will be minimised or mitigated. This process is required for all activities in listing notice 2 (R545) or where the EAP or applicant believes a BA is not sufficient and is granted permission by the CA to carry out a full EIA or where the authorities request a S&EIR following a BA.

SCOPING AND EIR

FIGURE 3



Description of the scoping and EIR process

Regulations 26-27

An applicant /EAP must submit an application form together with the following:

- declaration of interest by the EAP on a form provided by the CA;
- if the applicant is not the owner of the land, a copy of a written notice of the proposed activity to the owner, the manager or person in control of the land;
- proof of receipt of such notice by the owner, manager or person in control of the land;
- 5 copies of scoping report; and
- the prescribed fee, where applicable.

The CA must, within 14 days of receipt of the application, and in writing-

- acknowledge receipt of the application if it is in order; or
- reject the application, if it is not in order.

The applicant or EAP managing an application that has been rejected may correct the application and resubmit it to the CA. The CA must then within 14 days of receipt of the application acknowledge receipt.

After having submitted an application, the EAP managing the application must :

- conduct the public participation process;
- give written notice of the proposed application to any affected organ of state which has jurisdiction in respect of any aspect of the activity;
- open and maintain a register of all I&APs ;
- consider all objections and representations received from I&APs;
- subject the application to scoping by identifying:-
 - relevant issues for consideration of the application;
 - the potential environmental impacts of the proposed activity, including cumulative impacts and
 - alternatives to the proposed activity that are feasible and reasonable, including advantages and disadvantages that the proposed activity or the alternatives may have on the environment and the community that may be affected;
 - applicable legislation, policies and guidelines;
- consider the need and desirability of the proposed activity;
- prepare a scoping report, including a plan of study for EIA;
- give all registered interested and affected parties an opportunity to comment on the scoping report; and
- submit 5 copies of the scoping report within the stipulated timeframe to the CA, where applicable.

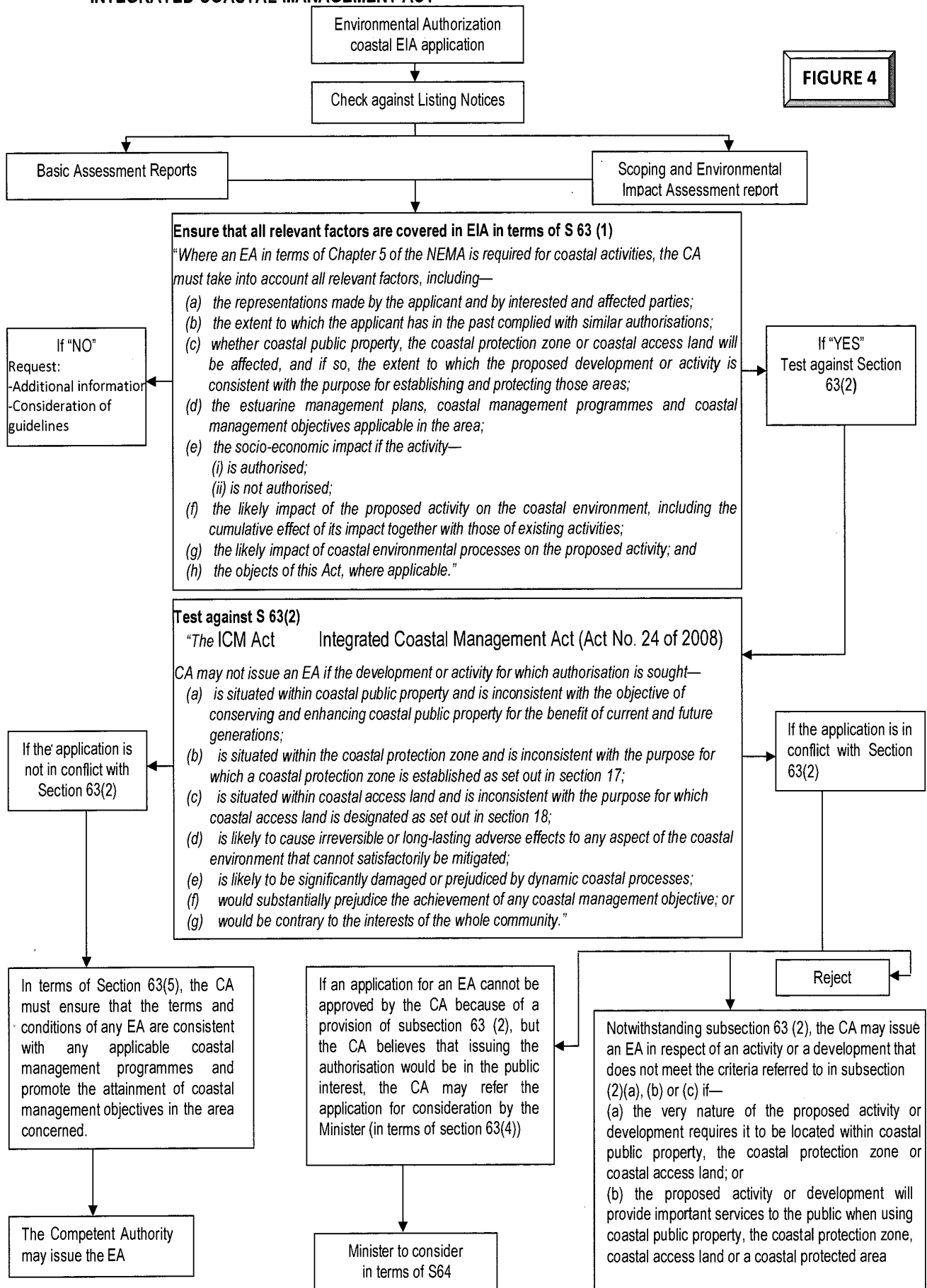
Regulations 30-35	<p>The CA must, in writing, within 30 days of acknowledging the scoping report, or on receipt of the required information, reports, or comments, or the amended scoping report, consider it and:</p> <ul style="list-style-type: none"> • accept the report and advise the EAP to proceed with tasks as stipulated in the plan of study for EIA; • request the EAP to make amendments to the report if required; or • reject the report if it:- <ul style="list-style-type: none"> - doesn't contain material information required; or - has not taken applicable guidelines into account. <p>The rejected scoping report or plan of study for environmental impact assessment may be amended and resubmitted by the EAP.</p> <p>The CA must re-consider the amended scoping report or plan of study for EIA.</p> <p>If the CA accepts a scoping report an EAP must be advised to proceed with the tasks contemplated in the plan of study for EIA, including the public participation process, and prepare an EIR.</p> <p>An environmental impact assessment report must contain all information that is necessary for the CA to consider the application and to reach a decision.</p> <p>The EIA report must comply with regulation 31(2) and include <i>inter alia</i>:</p> <ul style="list-style-type: none"> - a description and comparative assessment of all alternatives identified; - a description of all environmental issues identified as well as significance of each issue and an indication of the extent to which the issue could be addressed by the adoption of mitigation measures; - a reasoned opinion as to whether the activity should, or should not be authorised; - an environmental impact statement; and - a draft environmental management programme (EMPr). <p>An applicant or the EAP managing an application may appoint a person who is independent and has the required expertise to carry out a specialist study or specialised process.</p> <p>The EAP must submit 5 copies of the environmental impact assessment report (EIR) within the timeframes stipulated by the CA.</p> <p>The EAP must compile and submit the environmental management programme (EMPr) that complies with regulation 33 and section 24N of the Act.</p>
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	<p>The CA must, within 60 days of acknowledging receipt of an EIR, in writing either–</p> <ul style="list-style-type: none"> - accept the EIR; or - reject the EIR if it does not comply with content requirements. <p>If an EIR has been rejected the CA must:</p> <ul style="list-style-type: none"> - notify the applicant that the EIR has been referred for specialist review; or - request the applicant to make such amendments to the EIR as the competent authority may require for acceptance of the EIR. <p>An EIR that is rejected may be amended and resubmitted by the EAP.</p> <p>On receipt of an amended EIR, the CA must, within 60 days of acknowledging receipt of an EIR accept or reject the report.</p> <p>Within 45 days of accepting the EIR, or within 45 days of receipt of the specialist review, the CA must:</p> <ul style="list-style-type: none"> - grant authorisation in respect of all or part of the activity; or - refuse authorisation in respect of all or part of the activity. <p>If the CA decides to grant authorisation for a combination of applications, the CA may issue a single EA covering all activities for which authorisation was granted.</p> <p>If the authorisation is granted for an alternative, it is regarded that such alternative was applied for.</p> <p>The CA must in writing within 2 days of having reached the decision:</p> <ul style="list-style-type: none"> - notify the applicant of the decision, - give the reasons for the decision; and - inform the applicant that an appeal may be lodged within 20 days of the date of the decision. <p>The applicant must in writing within 12 days of the date of the decision:</p> <ul style="list-style-type: none"> - notify the I&APs of the decision; - give the reasons for the decision; and - inform them that an appeal may be lodged within 20 days of the decision; and - draw attention of all registered I&APs as to how they can access the EA.
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8. EIA REQUIREMENTS IN TERMS OF SECTION 63 OF INTEGRATED COASTAL MANAGEMENT ACT

Section 63 of the ICM Act makes reference to Chapter 5 of the NEMA, which, in turn, refers to the need to obtain authorisation for listed activities. Any listed activity that will be conducted in the coastal zone requires an environmental authorisation in terms of the NEMA and the EIA regulations. In addition to the NEMA requirements and criteria for environmental authorisations, the ICM Act provides for additional criteria that must be considered by the CA when evaluating an application for an activity that will take place in the coastal zone.

INTEGRATED COASTAL MANAGEMENT ACT

FIGURE 4


Description of the coastal EIA process in terms of the Integrated Coastal Management Act.

Section 63 (1)	<p>Where an EA in terms of Chapter 5 of the NEMA is required for coastal activities, the CA must take into account all relevant factors, including—</p> <ul style="list-style-type: none"> (a) the representations made by the applicant and by interested and affected parties; (b) the extent to which the applicant has in the past complied with similar authorisations; (c) whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas; (d) the estuarine management plans, coastal management programmes and coastal management objectives applicable in the area; (e) the socio-economic impact if the activity— <ul style="list-style-type: none"> (i) is authorised; (ii) is not authorised; (f) the likely impact of the proposed activity on the coastal environment, including the cumulative effect of its impact together with those of existing activities; (g) the likely impact of coastal environmental processes on the proposed activity; and (h) the objects of this Act, where applicable. <p>The focal person within OC-</p> <ul style="list-style-type: none"> - Within 2 days of receiving the coastal EIA document - - Draft a standard letter to acknowledge the receipt of the EIA report. - Forward the EIA report to the relevant Directorate/s to provide comments - Provide and monitor the agreed timeframe as to when the comments must be provided - Record the document in the Chief Directorate's EIA reports database <p>If all relevant factors are not covered in the coastal EIA document in terms of subsection 63(1) The applicant/ EAP will be requested to provide:</p> <ul style="list-style-type: none"> - Additional information; - Consideration of guidelines <p>If all relevant factors are covered in the coastal EIA document in terms of subsection 63 (1)</p> <ul style="list-style-type: none"> - Test all what has been covered in terms of subsection 63(1) against/ with subsection 63 (2)
Section 63 (2)	<p>The CA may not issue an EA if the development or activity for which authorisation is sought—</p> <ul style="list-style-type: none"> a) is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations; (b) is situated within the coastal protection zone and is inconsistent with the purpose for which a coastal protection zone is established as set out in section 17; (c) is situated within coastal access land and is inconsistent with the purpose for which coastal access land is designated as set out in section 18; (d) is likely to cause irreversible or long-lasting adverse effects to any aspect of the coastal environment that cannot satisfactorily be mitigated; (e) is likely to be significantly damaged or prejudiced by dynamic coastal processes; (f) would substantially prejudice the achievement of any coastal management objective; or (g) would be contrary to the interests of the whole community.

Section 63 (3)	<p>If the coastal EIA application for EA is in conflict with subsection 63(2)</p> <ul style="list-style-type: none"> - Notwithstanding subsection (2), the CA may issue an EA in respect of an activity or a development that does not meet the criteria referred to in subsection (2)(a), (b) or (c) if: <ul style="list-style-type: none"> (a) the very nature of the proposed activity or development requires it to be located within coastal public property, the coastal protection zone or coastal access land; or (b) the proposed activity or development will provide important services to the public when using coastal public property, the coastal protection zone, coastal access land or a coastal protected area.
Section 63(4)	<p>If an application for an EA cannot be approved by the CA because of a provision of subsection (2), but the CA believes that issuing the EA would be in the public interest, the CA may refer the application for consideration by the Minister in terms of section 64. In terms of ICM Act, Section 64 reads as follow:</p> <p>(1) If an application for an EA is referred to the Minister in terms of section 63(4) the Minister may, after consultation with the MEC of the relevant province, issue or authorise the other relevant CA to issue the EA:</p> <ul style="list-style-type: none"> (a) if the activity for which the EA is required is overwhelmingly in the interests of the whole community despite the adverse effect it is likely to cause to the coastal zone; and (b) on condition that any irreversible or long-lasting adverse effects must be mitigated as far as is reasonably possible. <p>(2) Before deciding the application, the Minister may require the applicant to furnish additional Information, including the results of any further studies undertaken.</p> <p><u>Or</u></p> <p>OC will reject the coastal EIA application for EA</p>
Section 63 (5)	<p>If the coastal EIA application for EA is not in conflict with subsection 63(2)</p> <ul style="list-style-type: none"> - The CA must ensure that the terms and conditions of any EA are consistent with any applicable CMP and promote the attainment of coastal management objectives in the area concerned. - If all above have been met, therefore the CA may issue the EA.
Section 63 (6)	<p>Where an environmental authorisation is not required for coastal activities, the Minister may, by notice in the <i>Gazette</i> list such activities requiring a permit or licence.</p>

9. AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

The CA who issued an EA has jurisdiction in all matters pertaining to the amendment of that authorisation. Amendments may be applied for by the holder of the authorisation or may be initiated by the CA. An authorization may be amended by attaching an additional condition or requirement, or by substituting, removing or changing an existing condition or requirement. Further, details may be updated or changed on the authorization and technical or editorial errors may also be corrected [regulation 38].

APPLICATION FOR AMENDMENT BY THE HOLDER OF AN EA

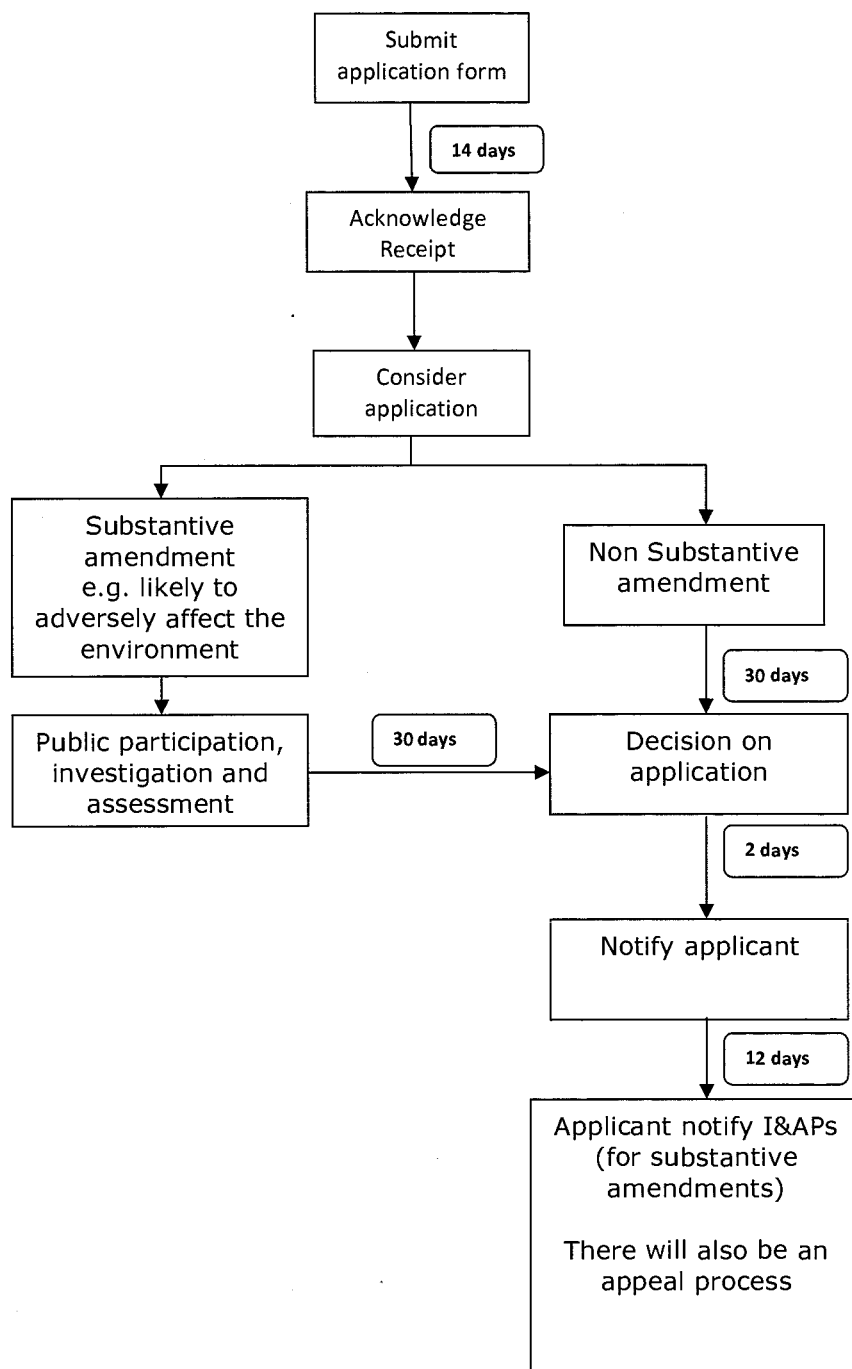


FIGURE 5

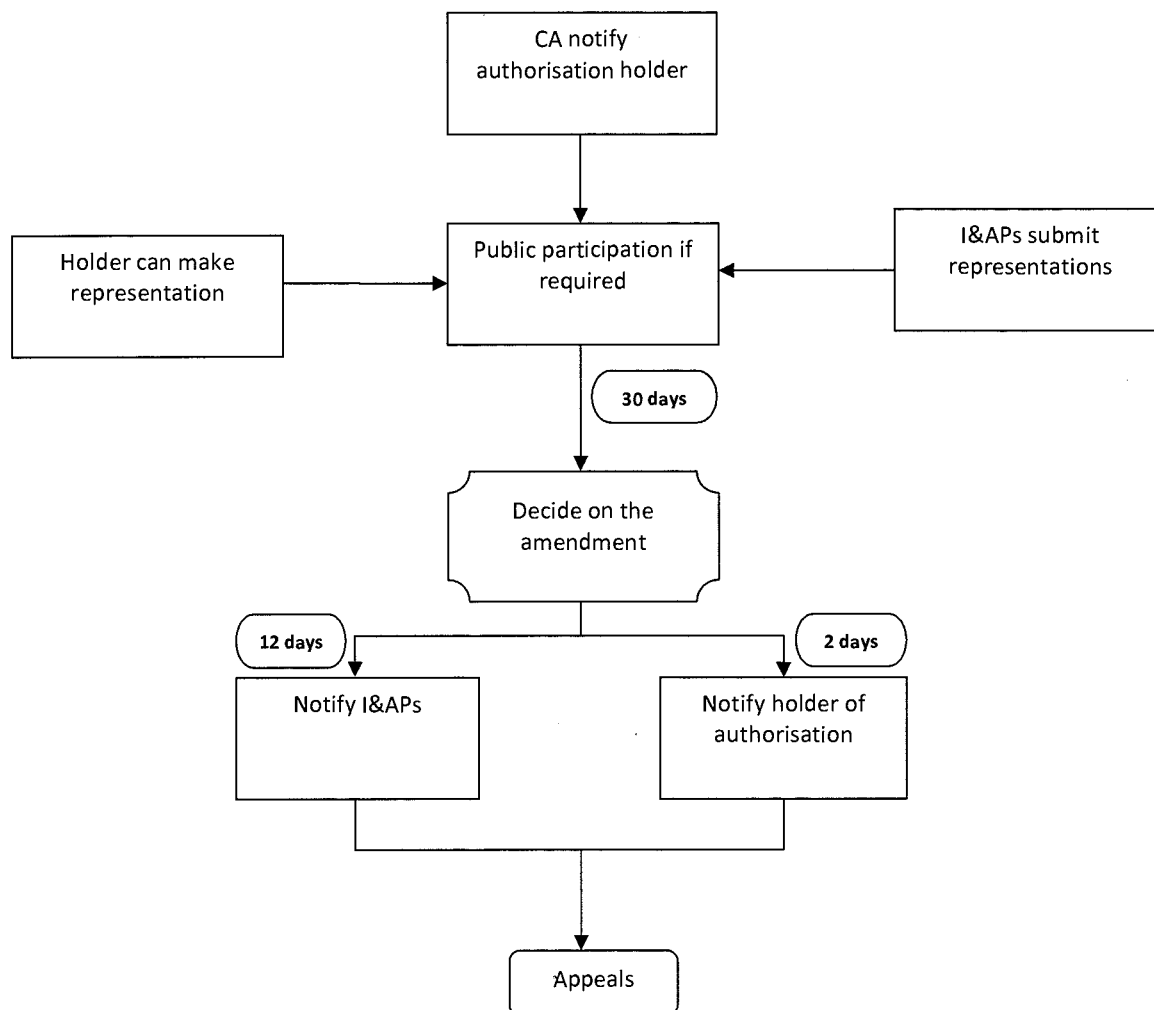
How can the holder of an EA apply for amendment of that EA?	
Regulation 39-42	<p>The amendment process entails the following:</p> <ul style="list-style-type: none"> • The holder must submit the completed application form together with a motivation for amendment. • The CA must within 14 days of receipt in writing acknowledge the receipt of the application. • On receipt of application the CA: <ul style="list-style-type: none"> - must consider whether granting the application is likely to adversely affect the environment or the right or interests of other parties; and - may request additional information from the applicant. • The CA must within 30 days of acknowledging receipt of application establish whether an application for amendment is substantive or non-substantive to make the decision. • If the environment or rights or interests of other parties are likely to be adversely affected, the amendment is substantive, therefore, the CA may request public participation, investigations and assessment and reports. • CA must within 30 days make a decision on the application and notify the holder and give reasons for the decision (regulation 10). • If an application is approved, the CA must issue an amendment to an EA either by way of a new EA or an addendum to the existing EA.

10. AMENDMENT BY COMPETENT AUTHORITY

How does a CA initiate amendment of EA?	
Regulation 43-45	<p>The CA may amend the EA if it is necessary or desirable.</p> <ul style="list-style-type: none"> • The CA must: <ul style="list-style-type: none"> - notify the holder in writing of the proposed amendment; - give the holder an opportunity to submit in writing representations on the proposed amendment; - conduct public participation if necessary [regulation 54]; - give the I&APs an opportunity to submit, in writing, representations on the proposed amendment; and - afford the holder opportunity to comment, in writing, on the representations submitted by I&APs. • The CA must, within 30 days after receipt of the representations, make a decision on the amendment; • The CA must also notify the holder within 2 days, and the I&APs within 12 days of the amendment decision and the reasons thereof. • The CA must inform both the holder and I&APs that they may lodge an appeal. The CA will have to pay for any public participation process as part of the amendment application. • The EA already issued still applies until it is amended by way of a new EA or an addendum to the relevant EA.

AMENDMENT ON INITIATIVE OF CA

FIGURE 6



11. AMENDMENTS OF ENVIRONMENTAL MANAGEMENT PROGRAMMES

How to apply to amend the environmental management programmes (EMPr)?	
Regulation 46	<p>The process of applying for amendment by the holder of an EMPr is as follows:</p> <ul style="list-style-type: none"> • The holder must submit the completed application form together with a motivation for amendment. • CA must acknowledge the application in writing within 14 days of receipt. • CA must establish whether an application for amendment is substantive or non-substantive. • If the environment or rights or interests of other parties are likely to be adversely affected, the amendment is substantive, therefore, the CA may request public participation. • CA must make a decision by means of an addendum to the relevant EA to approve the amended EMPr, and within 2 days notify the holder and give the reasons for the amendments. • CA must inform the holder that he may lodge an appeal within 20 days of the decision. • If public participation was undertaken, the holder must notify I&APs within 12 days and inform them that an appeal notice may be lodged within 20 days of the decision and the appeal submission 30 days later. <p>In a case where the CA initiated the amendment of the EMPr, the CA must:-</p> <ul style="list-style-type: none"> • Notify the holder in writing of the proposed amendment. • Give the holder an opportunity to submit, in writing, representations on the proposed amendment. • Conduct public participation if necessary [regulation 54]. • Give the I&APs an opportunity to submit, in writing, representations on the proposed amendment. • Afford the holder to comment, in writing, on the representations submitted by I&APs. • CA must make a decision by means of an addendum to the relevant EA to approve the amended EMPr, and within 2 days notify the holder and give the reasons for the amendments. • Notify the holder within 2 days, and the I&APs within 12 days of the amendment and the reasons. • Inform both the holder and I&APs that they may lodge an appeal.

12. SUSPENSION OF AN ENVIRONMENTAL AUTHORISATION

Can an EA be suspended?	
Regulation 47	<p>An EA may be suspended if:-</p> <ul style="list-style-type: none"> • the CA has reasonable grounds for believing that there is contravention or non-compliance with a condition of the authorisation; or • suspension is necessary to prevent harm to the environment; or • the authorisation was obtained fraudulently, through misrepresentation or non-disclosure of information; or • the activity is permanently or indefinitely discontinued; or • unforeseen circumstances lead to potential significant detrimental effect.
What is the process for suspending an EA?	
Regulation 48 & 49	<p>The CA must:-</p> <ul style="list-style-type: none"> • notify the holder in writing of the proposed suspension and the reasons thereof; • give the holder an opportunity to comment on any environmental audit report submitted or obtained by the CA [regulation 69 (2)]; • give the holder an opportunity to submit, in writing, representations on the proposed suspension; • notify, in writing, the holder of the decision; • if an EA is suspended, give the reasons for suspension and inform the holder that an appeal may be lodged (chapter 7). <p>The above, however, does not affect the institution of criminal proceedings against the EA holder in terms of section 24F (2) of the Act.</p>

13. EXEMPTIONS

An application for exemption from provisions of the regulations may be submitted to the CA. An exemption decision may be combined with an EA issued under the regulations [regulation 50]. It must be noted that exemption from the requirement to obtain an environmental authorisation is not possible, as NEMA determines that every listed activity must be assessed and an application for an EA must be lodged. The Minister or an MEC may grant an exemption if:

- the granting of the exemption is unlikely to result in significant detrimental consequences for, or impacts on the environment;
- the provision cannot be implemented in practice in the case of the application in question; or
- the exemption is unlikely to adversely affect the rights of interested or affected parties.

How can exemption be applied for?	
Regulation 50-53	<p>The applicant must submit an application in writing, accompanied by:-</p> <ul style="list-style-type: none"> - reasons for application; - supporting documents; and - prescribed application fee, if any. <p>The CA must acknowledge, in writing, the receipt of the application within 14 days.</p>

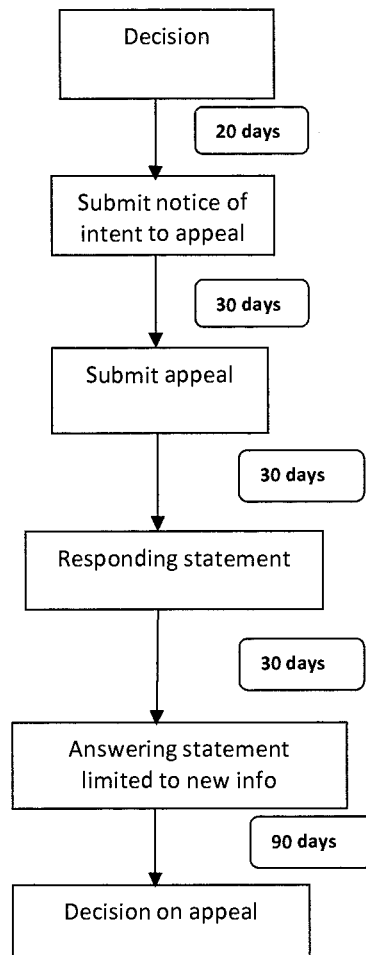
	<p>The applicant/EAP must communicate his or her intent to apply for exemption or the application for exemption by giving notice in the prescribed manner for the public participation process. This will mean a notice board or newspaper advert, etc.</p> <p>The CA may request additional information or provide advice on the application.</p> <p>As a minimum, the notice must contain:</p> <ul style="list-style-type: none"> • the provisions from which exemption is applied for; • the manner in which, and the person to whom comments must be submitted; and • the date for submitting comments on the application. <p>The CA must consider the application and within 30 days of receiving all the information, make a decision on the application and notify the applicant within 2 days.</p> <p>The CA must inform the applicant that an appeal may be lodged.</p> <p>The CA must request the applicant to inform registered I&APs of the outcome of the application and the reasons for the decision.</p> <p>The CA must issue a written exemption notice to the applicant if the application was approved.</p>
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14. PUBLIC PARTICIPATION

Is public participation compulsory during the EIA process?	
Regulation 54	<p>A public participation process must be conducted only in instances where adherence to the provisions of this regulation is specifically required. It means that where reference is made to regulation 59, this regulation must be adhered to. Where reference is not made to regulation 59, a relevant and applicable public participation must be followed (relevant to the circumstances).</p> <p>The applicant must take into consideration any guidelines applicable to public participation and notify all I&APs of the application which is subjected to public participation.</p> <p>Unless justified by exceptional circumstances, no public participation process (PPP) should be conducted from the 15th of December to the 2nd of January due to the holiday period. If the CA must acknowledge and accept a report within 14 days and any week day within that 14 day period is a public holiday, the CA will have to extend the period of acknowledging and accepting the report to cater for the public holiday.</p> <p>Note: Refer to the national guideline on Public Participation.</p>

15. APPEALS

FIGURE 6



Can an appeal be lodged against a decision on an application for EA?	
Regulation 58	<p>An appeal may be lodged by any person to the Minister or relevant MEC, as the case may be, against a decision taken by any person acting under a power delegated by the CA under NEMA.</p> <p>The person may appeal:-</p> <ul style="list-style-type: none"> - against any decision to issue or refuse to issue an EA or to grant an exemption; - to any provision or condition of an EA or exemption; or - any directive issued in terms of Chapter 5 of NEMA [Section 43(1) or 43(2) of the Act]. <p>No appeal is available if the Minister or MEC took a decision in their capacity as the CA for the application for an EA, i.e. if the Minister/MEC issued the EA, no appeal is possible. In such cases, only legal review is possible.</p> <p>The decision on the appeal lodged must be taken by the Minister for all decisions that are taken by the Department of Environmental Affairs. The MEC is the competent authority for appeals if the decision on EA was taken by a provincial department.</p>
How must an appeal be made?	
Regulations 58 - 66	<p>The person who wishes to appeal against a decision must submit a notice of intention to appeal to the Minister or MEC within 20 days of the date of the decision.</p> <p>In cases where the appellant is an applicant, the appellant must, within 10 days of having submitted a notice, provide each registered organ of state or registered I&AP with a copy of the notice and a notice indicating where and for what period the appeal submission will be available for inspection by such I&AP or organ of state.</p> <p>If the appellant is not the applicant, the appellant must within 10 days of having lodged the notice, provide the applicant with a copy of the notice and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</p> <p>The Minister, MEC or designated organ of state may, in writing, extend the period within which a notice of intention must be submitted.</p> <p>An appeal must be submitted, in writing, within 30 days of the lapsing of the 20 day period following the date of the decision, and must be accompanied by:</p> <ul style="list-style-type: none"> - a statement setting out the grounds of appeal; - supporting documentation; - a statement by the appellant that the notices referred to above have been served on relevant parties [regulation 60(2or3)]; and - prescribed appeal fee, if any. <p>An appellant must take into account any guidelines applicable to appeals.</p>

	<p>Responding statements must be submitted within 30 days from the date the appeal submission was made available for inspection.</p> <p>The person who submitted a responding statement must, within 10 days of having submitted the statement, serve a copy of the statement on the appellant.</p> <p>If new information has been introduced by the respondent, the appellant is entitled to submit an answering statement to such new information to the CA within 30 days of being served with the above mentioned copy.</p> <p>The appellant must serve a copy of the answering statement on the respondent who submitted the new info within 10 days of having submitted the answering statement.</p> <p>The Minister or MEC must, within 10 days, acknowledge receipt of an appeal, responding statement or answering statement.</p> <p>The Minister or MEC must notify the appellant and each respondent of any directives issued in terms of section 43(7) of the Act, (if applicable) and if an appeal panel has been appointed in terms of section 43(5) of the Act. In the absence of a directive, the appeal does not suspend the EA.</p> <p>The Minister or MEC may request the appellant or a respondent to submit additional information in connection with the appeal, if it's required.</p> <p>The Minister or MEC must furnish the appeal panel with written instructions concerning the issues in respect of which the panel must make recommendations and the period within which recommendations must be submitted to the CA [regulation 65].</p> <p>A member of an appeal panel must be independent.</p> <p>The recommendations by the appeal panel must be submitted in writing to the CA.</p> <p>The CA must reach a final decision on appeals submitted within 90 days of receipt of all relevant information including any statements, supporting documents, reports or any other information requested, or recommendations of the appeal panel which may assist the CA in the decision making process.</p> <p>After the decision has been reached by a CA, the appellant and each respondent must be notified in writing within 10 days of the decision and the extent to which the decision appealed against is upheld or overturned, and reasons for such decision.</p>
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16. GENERAL MATTERS AFFECTING APPLICATIONS

Can an application lapse?	
Regulation 67	An application lapses if the applicant, after having submitted the application, fails for a period of six months to comply with a requirement in terms of the EIA regulations, unless the reasons for failure have been communicated to and accepted by the CA. For example, if an applicant submits an application and 6 months is about to lapse without any further correspondence by the applicant in terms of submitting the reports to that application, the CA must inform the applicant that the application will lapse if no action is taken before the lapsing of the 6 months.
Can an application which has been refused be re-submitted?	
Regulation 68	An applicant may not submit an application which is substantially similar to a previous application which has been refused unless: <ul style="list-style-type: none"> - it contains new information; or - a period of three years has lapsed since refusal. - Give an example
Are there any compliance monitoring requirements?	
Regulation 69	<p>Every holder of an EA must monitor and assess performance against the EA and EMPr as may be prescribed through the conditions of the EA.</p> <p>If a competent authority reasonably suspects that the person who holds an environmental authorisation or who has been granted an exemption has contravened or failed to comply with a condition of the authorisation or exemption, the competent authority may request that person, in writing, to submit an explanation for the alleged contravention or non-compliance.</p> <p>If the alleged contravention or failure has caused, or may cause, harm to the environment, the competent authority may request the person concerned, in writing, to submit an environmental audit report on the harm or suspected harm to the environment or on any specific matter determined.</p> <p>The CA may request an explanation and environmental audit report to be submitted in a form and within a period determined.</p> <p>The CA may require the holder of an EA to appoint an independent person approved by the competent authority, to perform an environmental audit, and the holder is liable for all costs in connection with the environmental audit.</p> <p>On failure to submit an environmental audit report within the period determined, the competent authority may:-</p> <ul style="list-style-type: none"> - appoint an independent person to perform the audit; and - recover the costs of the audit from the holder of the EA.
Is there any assistance for people with special needs?	
Regulation 70	The CA processing an application or the Minister or MEC processing an appeal must give reasonable assistance to people with: <ul style="list-style-type: none"> - lack of skills to read and write;

	<ul style="list-style-type: none"> - disability; or - any other disadvantage.
Under what circumstances does a person become guilty of an offence?	
Regulation 71	<p>In terms of NEMA section 24F, a person becomes guilty of an offence if that person:</p> <ul style="list-style-type: none"> - proceed with a listed activity without an EA; - provides incorrect or misleading information; - fails to disclose the information to the CA, whether or not such information is favourable to the applicant [regulation 7(2)]; - fails to submit in writing an environmental audit report on the harm, or suspected harm to the environment or on any specific matter determined [regulation 69(2)]; or - commences or continues with an activity where the EA was suspended; - contravened a condition in an EA or EMPr. <p>Any person found guilty in terms of these regulations is liable to a fine up to R1 million, or imprisonment for a period up to one year or both.</p>

17. TRANSITIONAL ARRANGEMENTS

What happens to an EA that has been issued under the ECA Regulations?	
Regulation 73	<p>Anything done in terms of the previous ECA regulations and which can be done in terms of the new regulations must be regarded as having been done in terms of the provision of the new regulations. For example, if an application for an listed activity has been submitted in terms of the ECA Regulations of 1997, and the EA has been issued, that EA must be considered as being issued in terms of the 2010 NEMA Regulations. Similarly, any exemption granted in terms of the 1997 ECA Regulations, must be regarded as an exemption granted in terms of the NEMA Regulations 2010.</p>
What happens to pending applications and appeals under the ECA regulations?	
Regulation 74	<p>An application submitted in terms of the previous ECA regulations and which is pending when these regulations take effect, must be processed in terms of those ECA regulations as if they were not repealed.</p> <p>However, if activities that were listed under the notices to the previous ECA Notices are not listed similarly under the current lists of activities, and the decision on an application submitted under those previous regulations are still pending, the CA must & will consider such application to be withdrawn.</p> <p>If any application that was submitted in terms of ECA regulations is pending and a component of the activity applied for was not listed under ECA Notices, but it is now listed in terms of the 2010 Regulations, the CA must process the application in terms of those ECA regulations and may authorise the newly listed activity as if it was applied for, on condition that all impacts of this activity and the requirements of the new regulations have been considered and adequately assessed by the applicant.</p>

	<p>An appeal lodged in terms of the previous ECA regulations which is pending when these regulations take effect, must be dispensed with in terms of the previous regulations as if they were not repealed.</p> <p>Regulation 74 (GNR 543) deals [in sub-regulation (4)] with pending appeals.</p> <ol style="list-style-type: none"> The sub-regulation provides that an appeal lodged in terms of the ECA EIA regulations before 2 August 2010, which is unfinalised on that date must be dispensed with in terms of the ECA EIA regulations. The wording is in the past tense (" an appeal lodged...") and it expressly regulates an appeal lodged in terms of the previous ECA EIA regulations; it does not deal with an appeal which has yet to be lodged in the future (or on or after 02 August 2010). For an ECA RoD issued on or after 02 August 2010, the appeal provisions of the GNR 543 (2010 EIA Regulations) applies.
What happens to applications submitted under the 2006 NEMA EIA Regulations?	
Regulation 75	<p>Anything done in terms of the 2006 NEMA regulations and which can still be done in terms of the provisions of the NEMA 2010 Regulations, must be regarded as having been done in terms of the new regulations.</p> <p>Any EA issued in terms of the repealed 2006 NEMA Regulations, must be considered as an EA in terms of the new regulations.</p> <p>Any EMPr or environmental management plan approved in terms of the MPRDA or its regulations, or any old order right approved in terms of the Minerals Act, prior to any provision relating to prospecting, mining, reconnaissance, exploration and production coming into effect in terms of the Act, shall be deemed approved in terms of the Act.</p>
What happens to pending applications and appeals under the 2006 NEMA EIA Regulations?	
Regulation 76	<p>An application submitted in terms of the previous NEMA regulations and which is pending when these regulations take effect, must be processed in terms of those NEMA regulations as if they were not repealed.</p> <p>If activities that were listed under the notices to the previous NEMA Notices are not listed similarly under the current lists of activities, and the decision on an application submitted under those previous regulations are still pending, the CA must & will consider such application to be withdrawn.</p> <p>If any application submitted in terms of the previous NEMA regulations is pending and a component of the activity applied for was not listed under the NEMA 2006 Notices, but it is now listed in terms of the 2010 Regulations, the CA must process the application in terms of those NEMA regulations and may authorise the newly listed activity as if it was applied for, on condition that all impacts of this activity and the requirements of the new regulations have been considered and adequately assessed by the applicant.</p> <p>An appeal lodged in terms of the previous NEMA regulations which is pending when these regulations take effect, must be dispensed with in terms of the</p>

	<p>previous regulations as if they were not repealed.</p> <p>Regulation 76 (GNR 543) deals [in sub-regulation (4)] with pending appeals.</p> <p>The sub-regulation provides that an appeal lodged in terms of the 2006 NEMA EIA regulations before 2 August 2010, which is unfinalised on that date must be dispensed with in terms of the 2006 NEMA EIA Regulations.</p> <p>The wording is in the past tense ("an appeal lodged...") and it expressly regulates an appeal lodged in terms of the previous 2006 NEMA EIA Regulations; it does not deal with an appeal which has yet to be lodged in the future (or on or after 02 August 2010). For an 2006 NEMA Environmental Authorisation issued on or after 02 August 2010, the appeal provisions of the GNR 543 (new EIA regulations) applies.</p> <p>If an applicant has lodge a notice of intent to apply for environmental authorisation and has already commenced with the process contemplated in regulation 22 (a)-(f) of the EIA Regulations, 2006, but has not submitted the application form or basic assessment report before 02 August 2010, the application must be dispensed with in terms of those previous NEMA regulations as if those previous regulations were not repealed, unless agreed to between the applicant and the competent authority or an application has been submitted in terms of EIA Regulations, 2010, and the notice of intent submitted in terms of the 2006 EIA Regulations has been withdrawn.</p>
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With regard to the transitional arrangements for pending applications, the EAP managing the pending applications must consider the new listing notices and in writing provide the CA with his or her reasoned opinion of:

- whether or not the activities originally applied for are still listed in terms of the new lists of the activities (listing notices 1, 2 and 3); and/or
- whether or not a component of the activity originally applied for which was not listed previously, is now listed in terms of the new lists of activities, and if so whether or not the impact associated with these newly listed activities and the requirements of the new regulations have been considered and adequately assessed, and if so, whether the applicant wants the authority to consider also authorising these new activities.

The authority will respond to the EAP's submission and confirm the status of the application and the way forward. It is advisable to obtain confirmation of this from the CA in writing.

18. CONCLUSION

The guideline provides clarity on the processes to be followed when applying for an environmental authorisation in terms of the EIA regulations and gives a comprehensive interpretation of the listed activities. The aim of this guideline is to provide a detailed consideration on the practical implementation of the regulations. An EIA process can be defined as a process of examining the possible/potential environmental effects of a development.

This guideline should be used as a reference document to the EIA Regulations of 2010. The guideline will be revised on a regular basis or when there is a need arise. The user is, however, reminded that this document, along with its attachments, is not intended to be a substitute for the EIA Regulations. If any conflict should arise between this guideline and the EIA Regulations, the EIA Regulations prevail.

INTERPRETATION OF LISTING NOTICES 1, 2 AND 3

General points regarding interpretations

- Even in an event where none of the activities in the 3 listing notices are triggered, the proponent and environmental assessment practitioner (EAP) must take note that that facility or activity may also be included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) NEMWA, in which case an authorisation is also required in terms of the NEMWA.
- Often more than one listed activity can be triggered, the implication is that EA must be obtained for ALL the activities. It always remains the responsibility of the proponent and EAP to consult all three listing notices to ascertain which activities must be applied for.
- Applicants must apply and obtain environmental authorisation for all relevant listed activities, not only for the main activity.

- **Terms and definitions referring to “defined” and / or “adopted” by the “competent authority”:**

Competent authority is defined in the GNR 544, 545 and 546 as follows: “*in respect of a listed activity or specified activity, means the organ of state charged by this Act with evaluating the environmental impact of that activity and, where appropriate, with granting or refusing an environmental authorisation in respect of that activity*”.

The CA for, amongst others, the determination and / or adoption of e.g. *urban area, development setback* etc. is the relevant provincial MEC responsible for environmental management.

In relation to the specified geographical areas as per Listing Notice 3, the relevant provincial environmental department is the one to provide guidance / assistance on the applicability of LN 3 for an individual application. Even in the event where an application needs to be submitted to DEA (as per Section 24C of NEMA), the provincial authority must be consulted, should there be any uncertainty in relation to the applicability of any specified geographical areas.

- **Construction of facilities or infrastructure:**

- i. The construction of a new facility (without associated infrastructure) meeting the relevant threshold will trigger the relevant activity.
- ii. The construction of a new facility **and** infrastructure directly related to the facility meeting the relevant threshold will trigger the relevant listed activity.
- iii. The construction of infrastructure only, directly related to the facility, prior to the development of the facility will trigger the relevant listed activity.
- iv. The construction of infrastructure where a facility already exists, even if the infrastructure is directly related to the facility, does not trigger the relevant activity. The possibility, however, exists that this will trigger the relevant expansion activity within the same listing notice, alternatively another construction activity.

Construction: *means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a listed or specified activity but excludes any modification, alteration or expansion of such a facility, structure or infrastructure and excluding the reconstruction of the same facility in the same location, with the*

same capacity and footprint. In this regard the conversion of existing infrastructure, e.g. water tanks for the new purposes of the storage of dangerous goods would trigger establishment and consequently construction.

- **Expansion** is defined as *"the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the facility is increased"*.
- **Maintenance** for the purpose of this document refers to actions performed to keep a structure or system functioning or in service. It does not include an increase in the footprint or throughput capacity. It includes reconstruction, if on the same location, capacity and footprint. (e.g. replacing like for like).
- Other activities may be triggered, even if the main activity is not triggered.
- In an event where the upper threshold of listing notice 1 is exceeded, listing notice 2 will be triggered.
- In an event where the upper threshold of listing notice 3 is exceeded, either listing notices 1 or 2 will be triggered.

Mining

- Authorisations or permits (e.g. for a water permit, mining or prospecting license or township establishment) obtained under any other law for an activity listed or specified in terms of that law, does not absolve the applicant from obtaining authorisation under NEMA.

Activities listed under GNR 544, 545 and 546 requires environmental authorisation from the CA, even within a proclaimed mining area or for mining purposes and even in the event where a mining permit has been issued by DMR. The date of proclamation bears no relevance (if proponent has obtained permits 20 years ago, should they today i.e. construct a road that road would/may be unlawful in terms of certain activities CA). If a proponent undertakes a listed activity without due environmental authorization this would constitute an offence. Authorization obtained from another authority (DMR for example) is not granted in terms of the EIA regulations. Section 24(8) of NEMA confirms this by stating that authorizations or permits obtained under any other law for an activity listed or specified in terms of that law does not absolve the applicant from obtaining authorization under NEMA.

The activities listed for mining & prospecting specifically in GNRs 544 and 545 are not presently (on the date this guideline was published) enacted. However, should any of the enacted listed activities be triggered, environmental authorization (in terms of GNR 543) is indeed required. For mining, a number of activities in GNR 544, 545 and 546 could potentially (and is most often the case) be triggered.

- Although the activities related to prospecting and mining will only be enacted at a later stage, any other activity listed (in any of the 3 listing notices) as a result of the proposed prospecting or mining will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes must be followed.
- For activities not triggering any of the listed activities in any of the 3 listing notices, the duty of care principle under Section 28 of NEMA must be duly considered and complied with. The General points of interpretations set out in Chapter 1 of the NEMA apply throughout the Republic to the actions of all organs of state (including decision-making) that may significantly affect the environment and applies alongside all other appropriate and relevant considerations, including the State's responsibility to respect, protect, promote and fulfil the environmental, social and economic rights in Chapter 2 of the Constitution.

- For terms not defined in the EIA regulations, the dictionary meaning will apply.
- **Site** for the purposes of the listing notices does not necessarily, and in most instances does not, refer to the geographic entity or property. For any uncertainty in this regard the provincial environmental department must be consulted.

Listing Notice 1 (LN 1)	
LN 1 - Activity 1:	Interpretation:
<p>The construction of facilities or infrastructure for the generation of electricity where:</p> <ol style="list-style-type: none"> the electricity output is more than 10 megawatts but less than 20 megawatts; or the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant thresholds will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant thresholds will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility (<i>meeting the relevant thresholds</i>) will trigger this activity. - In determining whether the thresholds would be met, consideration should be on the design capacity and /or maximum capability of infrastructure or facility. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint and with the same capacity. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity. • Demolition and redevelopment outside the existing footprint would trigger the construction activity, provided that thresholds are met. • The demolition of e.g. a coal fired power plant and the consequent construction of a gas fired power station or nuclear power plant will trigger this activity. • The total extent of the facility in activity 1(ii) above refers to a area covered by this facility and not the physical footprint of the facility. It does not refer to property size or the geographic boundary of the facility. • Where there is an existing electricity generation facility, irrespective of the size, and where additional electricity generation is to be added, the construction activity is not triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • Activity 1(ii) cannot be triggered in an event where 1(i) is already triggered. • Co-generation: A co-generation facility at an existing industrial facility (where no electricity is generated), will trigger this activity if the thresholds are met. However, for activity 1(ii) to be triggered, the 1 hectare threshold only includes the area covered for the newly planned power generation facility.

LN 1 - Activity 2:	Interpretation:
<p>The construction of facilities or infrastructure for the storage of ore or coal that requires an atmospheric emission license in terms of the NEM: Air Quality Act (Act No. 39 of 2004).</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • In cases where the proposed activity will not require an atmospheric emissions license in terms of the NEM: Air Quality Act, this activity will not be triggered. • Where an atmospheric emission license in terms of the NEM: Air Quality Act is required, but the construction does not fall within the definition contained in the notice, this activity will not be triggered. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same capacity and footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • Demolition and redevelopment outside the existing footprint triggers construction, provided that thresholds are met. • In an event where there is an existing storage facility, irrespective the size, where additional storage capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.

LN 1 - Activity 3:	Interpretation:
<p>The construction of facilities or infrastructure for the slaughter of animals with a product throughput of:</p> <ol style="list-style-type: none"> i. poultry exceeding 50 poultry per day; or ii. game and red meat exceeding 6 units per day. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This excludes e.g. a facility for the concentration of animals, where no slaughter facility would be undertaken. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing slaughter facility, irrespective the size, where additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • Product throughput must be calculated by using the throughput capability and not actual or anticipated numbers.

LN 1 - Activity 4:	Interpretation:
<p>The construction of facilities or infrastructure for the concentration of animals for the purpose of commercial production in densities the exceed-</p> <ol style="list-style-type: none"> i. 20 square metres per large stock unit and more than 500 units, per facility; ii. 8 square metres per small stock unit and; <ol style="list-style-type: none"> a. more than 1 000 units per facility excluding pigs where (b) will apply; b. more than 250 pigs per facility excluding piglets that are not yet weaned; 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists

<p>iii. 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months;</p> <p>iv. 3 square metres per rabbit and more than 500 rabbits per facility; or</p> <p>v. 250 square metres per ostrich or emu and more than 50 ostriches or emus per facility; or 2 500 square metres per breeding pair.</p>	<p>does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice.</p> <ul style="list-style-type: none"> • In order for this activity to be triggered the specified density as well as the numeric variable must be met (pigs are an exception as there is no density) e.g. <ul style="list-style-type: none"> - where a facility will be constructed for 500 large stock units, but the overall density will be 25 square metres per large stock unit, the activity will not be triggered as the density is lower than the specified density threshold. - where a facility is constructed for 450 large stock units, and the density would be 11 square metres per large stock unit, this activity will also not be triggered as the numeric threshold of 500 units will not be met. - where a facility is constructed for 510 large stock units, and the density would be 15 square metres per large stock unit, this activity will be triggered as both thresholds are met. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing facility, irrespective the size, where additional e.g. buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • The activity only relates to construction of a facility or infrastructure that will be used for commercial production. In cases where animals are kept in pens for translocation or veterinarian treatment, this activity will not be triggered. The construction of such pens and / or facilities will also not trigger this activity. • The concentration of animals in an existing structure, will trigger this activity. • The construction and or expansion of quarantine facilities for e.g. reptiles, small mammals and carnivores are not specifically listed under GNR 544, 545 and 546. By implication a number of activities may potentially be triggered for such construction and or expansion.
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LN 1 - Activity 5:	Interpretation:
<p>The construction of facilities or infrastructure for the concentration of:</p> <ol style="list-style-type: none"> i. more than 1 000 poultry per facility situated within urban area, excluding chicks younger than 20 days ii. more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing facility, irrespective the size, where additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • In cases where poultry are kept in pens for translocation or veterinarian treatment, this activity will not be triggered. In an event where such a facility is constructed and chicks of 20 days or older would be concentrated at the facility at any given time, this activity will be triggered provided that thresholds are met.

LN 1 - Activity 6:	Interpretation:
<p>The construction of facilities, infrastructure or structures for aquaculture of:</p> <ol style="list-style-type: none"> finfish, crustaceans, reptiles or amphibians where such facility, infrastructure or structures will have a production output exceeding 20 000 kg but less than 200 000 kg per annum (wet weight); molluscs where such facility, infrastructure or structures will have a production output exceeding 30 000 kg but not exceeding 150 000 kg per annum (wet weight); aquatic plants where such facility, infrastructure or structures will have a production output exceeding 60 000 kg but not exceeding 200 000 kg per annum (wet weight); <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 7 in this Notice will apply.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <p>"wet weight" should be interpreted as meaning the weight of the plant, animal biomass before the removal of water or before being dried. In the case of mollusc species wet weight includes the weight with the shell.</p> <p>"production output" should be interpreted as meaning the designed capacity in terms of the amount of final product ("wet weight") that can be produced or removed from the facility per year and not the actual or anticipated amount to be produced or removed from the facility at any given time.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing facility (irrespective the size) and additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.

LN 1 - Activity 7:	Interpretation:
<p>The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output exceeding 50 000 kg but not exceeding 100 000 kg per annum (wet weight).</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <p>“offshore” in relation to aquaculture facilities and for the purpose of this document, means any area seaward of the low-water mark of the sea, excluding estuaries.</p> <p>“production output” should be interpreted as the designed capacity in terms of the amount of final product (“<u>wet weight</u>”) that can be produced or removed from the facility per year and not the actual or anticipated amount produced or removed from the facility at any given time.</p> <p>“wet weight” should be interpreted as means the weight of the plant, animal biomass before the removal of water or before being dried. In the case of mollusc species wet weight includes the weight with the shell.</p> <ul style="list-style-type: none"> • This activity specifically covers <u>offshore</u> cage culture only. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the “re-developed” facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. <p>In a case where there is an existing facility, irrespective the size, where additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.</p>

LN 1 - Activity 8:	Interpretation:
<p>The construction of a hatchery or agri-industrial infrastructure outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.</p>	<ul style="list-style-type: none"> • The development footprint refers to a physical footprint of 2 000m² or more. It does not refer to property size or the geographic boundary of the facility or site. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of an existing hatchery or agri-industrial infrastructure and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" hatchery or agri-industrial infrastructure goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing hatchery or agri-industrial infrastructure, irrespective the size, where additional e.g. structures are to be added (irrespective the size of the additions), the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.
LN 1 - Activity 9:	Interpretation:
<p>The construction of facilities or infrastructure exceeding 1 000 metres in length for the bulk transportation of water, sewage or storm water-</p> <ol style="list-style-type: none"> with an internal diameter of 0,36 metres or more; or with a peak throughput of 120 litres per second or more, <p>excluding where:</p> <ol style="list-style-type: none"> such facilities or infrastructure are for bulk transportation of water, sewage or storm water drainage inside a road reserve; or where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <p>"bulk transportation of water, sewage or storm water" for the purpose of this activity is regarded as facilities with a design or installed capacity (capability) of 120 litres per second or a internal diameter of 0,36 metres or more.</p> <ul style="list-style-type: none"> • This activity excludes facilities or infrastructure for storage of water, sewage or storm water. The trigger here is the construction of transportation related facilities or infrastructure.

	<ul style="list-style-type: none"> • This activity excludes the construction of water, sewage or storm water drainage facilities or infrastructure within a road reserve. Other listed activities may however potentially be triggered (e.g. activities 11 and 18). • This activity will not be triggered in cases where construction occurs within urban areas (as defined in the EIA regulations) as long as the activity is not within 32 metres from a watercourse (measured from the edge of the watercourse), in which event this activity will be triggered. • The construction of e.g. a new pipeline meeting the relevant thresholds, adjacent to an existing pipeline, will trigger this construction activity and cannot be dealt with in terms of expansion. This, even in an event where the old pipeline will be decommissioned. • This activity excludes the replacement of like with like on exactly the same footprint. The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice e.g. the replacement of a pipeline with a pipeline with an increased capacity, will not trigger this activity. Neither will this trigger activity 41 of the same listing notice unless the pipe will be expanded by more than 1000m. Demolition and redevelopment outside the existing footprint triggers construction. • Peak throughput refers to the maximum capability of the facility or infrastructure, and not the planned throughput. • Realignment of pipeline meeting the thresholds [realignment of more than 1000m and meeting 11(i) or 11(ii)] will trigger this activity.
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LN 1 - Activity 10:	Interpretation:
<p>The construction of facilities or infrastructure for the transmission and distribution of electricity-</p> <ol style="list-style-type: none"> outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or inside urban areas or industrial complexes with a capacity of 275 kilovolts or more. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. For example, should a 400 kilovolt line be added to the existing poles, one of the relevant construction activities of Listing Notice 1 or 2 will be triggered (depending on the location, e.g. industrial complex or urban area). Similarly, should a 33 kilovolt line be added to the existing poles, none of the relevant construction transmission and distribution activities will be triggered as the construction threshold (of more than 33

	<p>kilovolts) is not met.</p> <ul style="list-style-type: none"> - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <ul style="list-style-type: none"> • This activity is triggered where: <ul style="list-style-type: none"> a. A new electricity transmission or distribution facility will be constructed; or b. An existing electricity transmission or distribution facility would be extended / lengthened. In this regard the lengthening of a transmission line is deemed construction and not expansion. • This totally excludes any facilities of 33 kilovolts or less outside urban areas or industrial complexes. • This activity will not be triggered for the facilities of 275 kilovolts or less within urban areas or industrial complexes. • In the event where the facility is to be constructed outside urban areas or industrial complexes with the capacity of 275 kilovolts or more, Activity 8 of GNR 545 will be triggered. • Realignment of a power line meeting the thresholds will trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • The moving of poles within the existing footprint or "canopy" of a facility will not trigger this activity. • This activity will be triggered by the construction of substations and transformers. However, the upgrading or addition of e.g. transformers and substations will trigger the expansion activity in this Listing Notice, if thresholds are met. • This excludes the storing of a transformer for purposes related to later replacement. • Aboveground or underground transmission facilities and infrastructure are included.
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LN 1 - Activity 11:	Interpretation:
<p>The construction of:</p> <ul style="list-style-type: none"> i. canals; ii. channels; iii. bridges; iv. dams; 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the

<ul style="list-style-type: none"> v. weirs; vi. bulk storm water outlet structures; vii. marinas; viii. jetties exceeding 50 square metres in size; ix. slipways exceeding 50 square metres in size; x. buildings exceeding 50 square metres in size; or xi. infrastructure or structures covering 50 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of watercourse, excluding where such construction will occur behind the development set back line.</p>	<p>relevant listed activity.</p> <ul style="list-style-type: none"> - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <ul style="list-style-type: none"> • Construction activities behind the development setback line are excluded from this activity. • Construction activities further than 32m of the water course are excluded. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of such a structure and consequent redevelopment of the structure falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" structure goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction.
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LN 1 - Activity 12:	Interpretation:
<p>The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless storage falls within the ambit of activity 19 of Notice 545 of 2010.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • The 50 000 cubic metres threshold includes the capability of the facility and not only the percentage thereof that is envisaged to be used. • The activity excludes facilities or infrastructure for the transportation of water, sewage or storm water. • The activity excludes in-stream storage facilities or infrastructure. • All such storage facilities falling within the ambit of activity 19 of Listing Notice 2 are excluded from this activity

	<ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a storage facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In an event where there is an existing off-stream storage facility, irrespective the size, where additional storage capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.
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LN 1 - Activity 13:	Interpretation:
<p>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • "dangerous goods" means goods containing any of the substances as contemplated in South African National Standard No. 10234, supplement 2008 1.00: designated "List of classification and labelling of chemicals in accordance with the Globally Harmonized Systems (GHS)" published by Standards South Africa, and where the presence of such goods, regardless of quantity, in a blend or mixture, causes such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, namely physical hazards, health hazards or environmental hazards. • The construction of a new filling station meeting the relevant threshold will trigger this activity. • The trigger for this activity is construction and not the storage and handling of dangerous goods.

- This excludes storage facilities of less than 80 cubic metres.
- This includes storage facilities of more than 80 cubic metres, but not exceeding 500 cubic metres.
- This includes storage facilities of exactly 80 cubic metres.
- Relocation of tanks within the existing footprint of the facility (e.g. tank farm) does not trigger this activity. Relocation outside the already affected development footprint of the facility will trigger this activity if threshold is met.
- The storage of transformer oil in containers meeting the threshold will trigger this activity. However a transformer itself cannot be defined as a container or a storage facility. The storage of the transformer (with oil inside) does not trigger this activity.
- This activity includes either both above and underground storage or a combination thereof.
- This activity excludes the replacement of like with like on exactly the same footprint.
- The demolition of a storage facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction.
- In an event where there is an existing storage facility, irrespective the size, where additional storage capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.
- Even in the event where a dangerous good is not specifically mentioned in the SANS code, it (this blend or mixture) may cause such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, meaning that it falls within the definition of a dangerous good AND authorization will be required if the cubic metres thresholds are met.
- Containers for bio-fuel plants would trigger this activity, depending on thresholds.

LN 1 - Activity 14:	Interpretation:
<p>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding:</p> <ul style="list-style-type: none"> i. the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour; ii. the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies; iii. the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks. 	<ul style="list-style-type: none"> • The construction of structures of 50 square metres or smaller, will not trigger this activity. • The construction of structures, even if this goes substantially beyond the 50 square meter threshold, will not trigger this activity if the exclusions in 14(i), (ii) or (iii) are met. • In an event where “temporary” structures were constructed within the beach zone and the structures are not demolished or disassembled within a 6 weeks period, the activity (construction of the structures) would be deemed an unlawfully commencement in terms of this activity.
LN 1 - Activity 15:	Interpretation:
<p>The construction of facilities for the desalination of sea water with a design capacity to produce more than 100 cubic metres of treated water per day.</p>	<ul style="list-style-type: none"> • Construction of facilities: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The 100 cubic metres threshold applies to the daily treated water capability and not the amounts of salt water used, the waste water discharged or a combination of the aforementioned. - This activity excludes the replacement of like with like on exactly the same footprint. - The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the “re-developed” facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction.
LN 1 - Activity 16:	Interpretation:
<p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of-</p>	<p>“Maintenance” for the purpose of this document and in the context of this activity, includes actions performed to keep a structure or system functioning or in service. It does not include an increase in the footprint or throughput capacity. It includes reconstruction, if on the same location, capacity and footprint (e.g. replacing like for like).</p>

<ul style="list-style-type: none"> i. fixed or floating jetties and slipways; ii. tidal pools; iii. embankments; iv. rock revetments or stabilising structures including stabilising walls; v. buildings of 50 square metres or more; or vi. infrastructure covering 50 square metres or more- <p>but excluding:</p> <ul style="list-style-type: none"> (a) if such construction or earth moving activities will occur behind a development setback line; or (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour; (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies 	<ul style="list-style-type: none"> • Construction or earth moving activities behind the development setback line are excluded from this activity. • Construction or earth moving activities occurring within existing ports or harbours where the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour are excluded. • Construction or earth moving activities for maintenance purposes are excluded, provided that there is no increase in existing development footprint or throughput capacity. • Construction activities further than 100 metres inland of the high water mark of the sea are excluded. • Dredging is included but maintenance dredging excluded. • For this activity to be triggered, construction or earth-moving as defined by the regulations must take place. • This activity excludes the replacement of like with like on exactly the same footprint. • This activity excludes the increase of the height of existing structures in the event where there will be no increased footprint e.g. the adding of an additional storey to an existing building. • The demolition of such a structure and consequent redevelopment of the structure falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" structure goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • Construction of buildings less than 50 square metres will not trigger this activity. • Infrastructure of less than 50 square metres will not trigger this activity.
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LN 1 - Activity 17:	Interpretation:
<p>The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback line.</p>	<p>"Maintenance" for the purpose of this document and in the context of this activity, includes actions performed to keep a structure or system functioning or in service. It does not include an increase in the footprint or throughput capacity. It includes reconstruction, if on the same location, capacity and footprint.</p> <ul style="list-style-type: none"> • Such activities for the restoration and maintenance of indigenous coastal vegetation are excluded. • The trigger for this activity is the planting of vegetation or placing of any material on dunes and exposed sand surfaces. This excludes construction and earth moving activities. • This activity excludes the replacement of like with like on exactly

	<p>the same footprint.</p> <ul style="list-style-type: none"> • The removal of vegetation or material and consequent replacement of such falls outside the ambit of this activity. • The placement of dead plant material on dunes meeting the thresholds and variables of this activity will trigger this activity.
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LN 1 - Activity 18:	Interpretation:
<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <ol style="list-style-type: none"> a watercourse; the sea; the seashore; the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <ol style="list-style-type: none"> is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or occurs behind the development setback line. 	<ul style="list-style-type: none"> • The trigger is infilling or depositing of any material and not construction. Construction, however, by implication would require infilling or depositing of any material. In such an event the construction activity can be applied for and duly considered and authorised in terms of this activity. • Such activities behind the development setback line or outside the littoral active zone are excluded. • Such activities for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority are excluded.

LN 1 - Activity 19:	Interpretation:
<p>Any activity which requires a prospecting right or renewal thereof in terms of section 16 and 18 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</p>	<ul style="list-style-type: none"> • As of the date of publication of this guideline, this activity had not yet commenced. • Although this activity has been enacted as it is in the notice, it just has not become effective yet, any other activity triggered (in any of the 3 listing notices) as a result of the proposed prospecting or mining, will still require an environmental authorization in terms of these regulations. Where both the MPRDA and EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.

LN 1 - Activity 20:	Interpretation:
Any activity requiring a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) or renewal thereof.	<ul style="list-style-type: none"> As of the date of publication of this guideline, this activity had not yet commenced. Although this activity has been enacted as it is in the notice, it just has not become effective yet, any other activity triggered (in any of the 3 listing notices) as a result of the proposed prospecting or mining, will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.
LN 1 - Activity 21:	Interpretation:
The establishment of cemeteries of 2500 square metres or more in size.	<ul style="list-style-type: none"> The trigger is the establishment of a cemetery meeting the threshold. The increase of the footprint of a cemetery must be dealt with in terms of expansion activity e.g. the increase of the footprint of an existing cemetery (smaller than 2500 square meters), is not defined as establishment but expansion. The relocation of graves to a new site (where no cemetery exists) will trigger this activity if the threshold is met.
LN 1 - Activity 22:	Interpretation:
<p>The construction of a road, outside urban areas,</p> <ol style="list-style-type: none"> with a reserve wider than 13,5 metres, or where no reserve exists where the road is wider than 8 metres, or for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010. 	<ul style="list-style-type: none"> Such roads to be constructed within an urban area (as per the listing regulations definition) are excluded from this activity. The construction of a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, will trigger this activity. The widening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that thresholds are met. The lengthening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that thresholds are met. The construction of a road, meeting the relevant threshold will trigger this activity. Toll gates and traffic control centres are excluded from this activity. This activity excludes the replacement of like with like on exactly the same footprint. The addition of storm water management systems and e.g. pavements are excluded from this activity. Surfacing of a road is not considered to be construction.

LN 1 - Activity 23:	Interpretation:
<p>The transformation of undeveloped, vacant or derelict land to –</p> <ol style="list-style-type: none"> i. residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or ii. residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; - <p>except where such transformation takes place-</p> <ol style="list-style-type: none"> a. for linear activities; or b. for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies. 	<p>The facts of each case must be considered, however the following can serve as examples. The competent authority must be consulted where there is uncertainty:</p> <ol style="list-style-type: none"> (a) The area to be transformed includes development structures and infrastructure, as well as gardens, landscaped areas and public open spaces within the perimeter of the outer edge of the development. (b) The determining factor is the size of the land to be physically altered, not the size of the property. (c) Physical alteration includes the entire new development footprint including, e.g. buildings, infrastructure, landscaping, area where earthworks have taken place, construction camp etc. (d) In the determination of the area to be physically altered, existing physically altered areas [e.g. buildings, infrastructure, landscaping (including kikuyu grass), area where earthworks have taken place, construction camp etc.] must be excluded from the calculation. In other words an area already physically altered or transformed does not trigger this activity. <ul style="list-style-type: none"> • Transformation of cultivated land, land used for afforestation and / or ploughed land will trigger this activity, provided that the relevant thresholds are met (such land is deemed to be undeveloped). • For the construction or expansion of linear activities (as defined in the regulations), this activity is not be triggered. • The mowing of land or burning thereof would not trigger this activity. • Physical alteration of land smaller than 5 hectares within an urban area (as defined in the NEMA EIA regulations) will not trigger this activity. • Physical alteration of land smaller than 1 hectare outside an urban area will not trigger this activity. • This excludes "transformation" for the purposes of afforestation. • This excludes "transformation" for the purposes of agriculture. • A food garden is considered to fall within the scope of agriculture purposes and all listed activities in GNR 544, 545 and 546 that exclude "agricultural purposes" are not be triggered (i.e. activity 23 of GNR 544 and activity 14 of GNR 546).
LN 1 - Activity 24:	Interpretation:
<p>The transformation of land bigger than 1 000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at</p>	<ul style="list-style-type: none"> • This includes the transformation of land that was zoned open space, conservation or an equivalent zoning at the time of the

the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.	<p>coming into effect of this listing notice.</p> <ul style="list-style-type: none"> • This includes the transformation of land that was zoned open space, conservation or an equivalent zoning after the coming into effect of this listing notice. • The act of rezoning such land for the purposes of another use does not trigger this activity. However, the transformation of such land (whether the land has been rezoned or is still to be rezoned) is the trigger for this activity. • The transformation of a portion of an open space will trigger this activity, irrespective of the order in which the transformation and alienation will take place).
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LN 1 - Activity 25:	Interpretation:
The release of genetically modified organisms into the environment, where assessment for such release is required by the Genetically Modified Organisms Act, (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).	<ul style="list-style-type: none"> • All such applications must be submitted to the national department of Environmental Affairs. • The release of genetically modified organisms into the environment for which an assessment for such release is not required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), will not trigger this activity.

LN 1 - Activity 26:	Interpretation:
Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).	<ul style="list-style-type: none"> • Refer to any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

LN 1 - Activity 27:	Interpretation:
<p>The decommissioning of existing facilities or infrastructure, for-</p> <ol style="list-style-type: none"> electricity generation with a threshold of more than 10MW; electricity transmission and distribution with a threshold of more than 132kV; nuclear reactors and storage of nuclear fuel; activities, where the facility or the land on which it is located is contaminated; storage, or storage and handling, of dangerous goods of more than 80 cubic metres; <p>but excluding any facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact</p>	<ul style="list-style-type: none"> • "decommissioning" means to take out of active service permanently or dismantle partly or wholly, or closure of a facility to the extent that it cannot be readily re-commissioned. • This includes any portion of a facility and not only the decommissioning of a facility in its entirety. • This includes any portion of infrastructure and not only the decommissioning of all infrastructure in its entirety. • It is possible that for decommissioning of tanks, both activities (iv) and (v) may be triggered, if thresholds and variables are met.

Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No. 545 of 2010.

LN 1 - Activity 28:	Interpretation:
<p>The expansion of or changes to existing facility for any process or activity where such expansion or changes to will result in the need for a permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>	<ul style="list-style-type: none"> • This activity does not apply to matters regulated by local bylaws. • It is not the act or process of amending existing permits or licenses that triggers this activity but the proposed expansion or changes to a facility requiring a permit or license or an amendment to a permit or license. • Should a facility be expanded or be changed, AND a permit or an amendment to the existing permit is required, this activity will be triggered. • It is not the act or process of amending existing permits or licenses or need for such a new licence that triggers this activity but the expansion or changes to an existing facility regulated in terms of national or provincial legislation governing the release of emissions or pollution • In cases where no expansion or changes to the facility is required, but a new or amendment of an existing permit or license is required, this activity will not be triggered. In such an event consider the applicability of activities 5 and 26 of GNR 545. • In cases where the expansion or changes of a facility are regulated by the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) only, this activity will not be triggered. In such an event authorization needs to be obtained in terms of the relevant waste management activities published in terms of section 19 of the NEMWA.
LN - Activity 29:	Interpretation:
<p>The expansion of facilities for the generation of electricity where:</p> <ol style="list-style-type: none"> i. the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or ii. regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more. 	<ul style="list-style-type: none"> • This activity can only be triggered where an existing electricity generation facility will be expanded. • The expansion of an existing facility meeting the relevant threshold will trigger this activity, unless the expansion takes place within the original footprint of the facility e.g. the existing power generation plant's footprint, any buildings, parking area, infrastructure, landscaped area etc. • The expansion of infrastructure does not trigger this activity (e.g. the expansion of office space or parking area). • This activity excludes the replacement of like with like on exactly the same footprint. • In an event where there is an existing electricity generation facility, irrespective the size, where additional electricity generation is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if

	<p>the relevant thresholds are met.</p> <ul style="list-style-type: none"> • The demolition of an existing facility and consequent re-development of the facility falls outside the definition of expansion, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered e.g. the demolition of an existing coal fired power plant and the re-development thereof on exactly the same footprint, even if the output of the facility will be increased beyond the 10 megawatt threshold, will not trigger this activity. • Demolition and re-development of a facility outside the existing footprint would trigger construction and not expansion. • In cases where the footprint of the facility will be increased by 1 hectare or more, this activity will be triggered. • For a scenario where the expanded output would be 10 megawatts or more and the footprint of the expanded facility would be 1 hectare or more, both activity 33(i) and 33(ii) will be triggered. • Co-generation: Where a co-generation facility will be added to the existing industry (where no electricity was previously generated), this activity is not triggered even if one or more of the thresholds are met. However, the construction activity related to the generation of electricity will be triggered.
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LN 1 - Activity 30:	Interpretation:
<p>The expansion of facilities for the slaughter of animals where the daily product throughput will be increased by more than:</p> <ol style="list-style-type: none"> 50 poultry or 6 units of red meat and game. 	<ul style="list-style-type: none"> • This excludes the expansion of a facility, where the thresholds provided are not met, irrespective the size of its expanded physical footprint. • This activity can only be triggered in an event where an existing slaughter facility would be expanded by more than 50 poultry per day or 6 slaughter units of red meat and game. • This activity excludes the replacement of like with like on exactly the same footprint. • Product throughput must be calculated by using the throughput capability and not planned numbers. • Any expansion (irrespective the size of the expansion) to an existing facility where the capacity of the facility is increased can trigger this activity, provided that the variables of the listed activity is met. In an event where no modification, extension, alteration or upgrading of an existing facility takes place, even if the product throughput capacity is increased, this activity will not be triggered.

LN 1 - Activity 31:	Interpretation:
<p>The expansion of facilities for the concentration of animals for the purpose of commercial production in density that will exceed-</p> <ol style="list-style-type: none"> i. 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units; ii. 8 square metres per small stock unit, where the expansion will constitute more than: <ol style="list-style-type: none"> a. 1 000 additional units per facility or more excluding pigs where (b) will apply; b. 250 additional pigs, excluding piglets that are not yet weaned; iii. 30 square metres per crocodile at any level of production where the expansion will constitute an increase in the level of production, excluding crocodiles younger than 6 months; iv. 3 square metres per rabbit where the expansion will constitute more than 250 additional rabbits; or v. 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus; and vi. 2500 square metres per breeding pair, where the facility will be increased by 2500 square metres or more.. 	<ul style="list-style-type: none"> • In order for this activity to be triggered the relevant increase as per the numeric variable must be met and the density of the expanded facility (the old facility and the new expanded portion) must meet the relevant density threshold. • For example - <ul style="list-style-type: none"> ○ In an event where such a facility is expanded by 501 additional large stock units, and the overall density of the entire facility (measured after expansion) will be 21 square metres per unit, this activity will not be triggered as the overall expanded density is lower than the density threshold provided. ○ In an event where such a facility is expanded by 500 additional large stock units, and the overall density of the entire facility (measured after expansion) will be 11 square metres per unit, this activity will not be triggered as the numeric threshold of more than 500 units will not be met. ○ In an event where such a facility is expanded by 501 additional large stock units, and the overall density of the entire facility (measured after expansion) will be 11 square metres per unit, this activity will be triggered as both thresholds are met. • This activity excludes the replacement of like with like on exactly the same footprint. • The construction and or expansion of quarantine facilities for reptiles, small mammals and possibly carnivores are not specifically listed under GNRs 544, 545 and 546. By implication a number of activities may potentially be triggered for such construction and or expansion. • In an event where no modification, extension, alteration or upgrading of an existing facility takes place, even if the numeric and density variables are met, this activity will not be triggered. • The emphasis is the expansion of a facility for the commercial production. In cases where the expansion is for a facility where animals are kept in pens for translocation or veterinarian treatment, this activity will not be triggered (even if thresholds are met).
LN 1 - Activity 32:	Interpretation:
<p>The expansion of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by:</p> <ol style="list-style-type: none"> i. more than 1 000 poultry where the facility is situated within an urban area; or 	<ul style="list-style-type: none"> • This excludes the expansion of a facility, where the thresholds provided are not met, irrespective the size of its expanded physical footprint. • For urban areas: This activity can only be triggered in an event where an existing concentration facility would be expanded by more than 1000 poultry, provided that the chickens or chicks is

ii. more than 5 000 poultry per facility situated outside an urban area.	20 days or older. <ul style="list-style-type: none"> • Outside urban areas: This activity can only be triggered in an event where an existing concentration facility would be expanded by more than 5000 poultry, provided that the chickens or chicks is 20 days or older. • This activity excludes the replacement of like with like on exactly the same footprint. • The construction and or expansion of quarantine facilities for reptiles, small mammals and possibly carnivores are not specifically listed under GNRs 544, 545 and 546. By implication a number of activities may potentially be triggered for such construction and or expansion.
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LN 1 - Activity 33:	Interpretation:
The expansion of facilities, infrastructure or structures for aquaculture of- <ul style="list-style-type: none"> i. finfish, crustaceans, reptiles or amphibians, where the production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more; ii. molluscs where the production output of such facility, infrastructure or structures will be increased by 30 000 kg (wet weight) or more; iii. aquatic plants where the production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more. 	<ul style="list-style-type: none"> • This excludes the expansion of a facility, where the thresholds provided are not met, irrespective the size of its expanded physical footprint. <p>“production output” should be interpreted as the designed capacity in terms of the amount of final product (“wet weight”) that can be produced or removed from the facility per year and not the actual or anticipated amount produced or removed from the facility at any given time.</p> <p>“wet weight” should be interpreted as meaning the weight of the plant, animal biomass before the removal of water/ before being dried. In the case of mollusc species wet weight refers to the weight with the shell.</p>

LN 1 - Activity 34:	Interpretation:
The expansion of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the production output of such facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.	<ul style="list-style-type: none"> • This excludes the expansion of a facility, where the thresholds provided are not met, irrespective the size of its expanded physical footprint. • The size of increased footprint has no relevance to the applicability of this activity. The trigger is expansion (as defined in this listing notice) as per provided thresholds. <p>“offshore” in relation to aquaculture facilities and for the purpose of this document, means any area seaward of the low-water mark of the sea, excluding estuaries.</p> <p>“production output” should be interpreted as the designed capacity in terms of the amount of final product (“wet weight”) that can be produced or removed from the facility per year and not the actual or anticipated amount produced or removed</p>

	<p>from the facility at any given time.</p> <p>"wet weight" should be interpreted as meaning the weight of the plant, animal biomass before the removal of water or before being dried. In the case of mollusc species wet weight refers to the weight with the shell.</p>
LN 1 - Activity 35:	Interpretation:
<p>The expansion of facilities for agri-industrial purposes outside industrial complexes, where the development footprint of the facility will be increased by a 1 000 square metres or more, with the exception of hatcheries, where activity 36 in this Notice applies.</p>	<ul style="list-style-type: none"> • This excludes the expansion of such a facility, where the increase in footprint would be less than 1000m². • This excludes the expansion of hatcheries. • This excludes expansion of such a facility, within industrial complexes (as defined within this listing notice). • This activity excludes the replacement of like with like on exactly the same footprint.
LN 1 - Activity 36:	Interpretation:
<p>The expansion of hatcheries, outside industrial complexes, where the development footprint of the hatchery will be increased by 2 000 square metres or more.</p>	<ul style="list-style-type: none"> • This excludes the expansion of a hatchery, where the increase in footprint would be less than 2000m². • This excludes expansion of such a facility, within industrial complexes (as defined within this listing notice). • This activity excludes the replacement of like with like on exactly the same footprint.
LN 1 - Activity 37:	Interpretation:
<p>The expansion of facilities or infrastructure for the bulk transportation of water, sewage or storm water where:</p> <ol style="list-style-type: none"> the facility or infrastructure is expanded by more than 1 000 metres in length; or where the throughput capacity of the facility or infrastructure will be increase by 10% or more- <p>excluding where such expansion:</p> <ol style="list-style-type: none"> relates to transportation of water, sewage or storm water within a road reserve; or where such expansion will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse. 	<p>"bulk transportation of water, sewage or storm water" for the purpose of this activity is regarded as infrastructure with a design or installed capacity (capability) of 120 litres per second or a internal diameter of 0,36 metres or more.</p> <ul style="list-style-type: none"> • This excludes the facilities or infrastructure for storage of water, sewage or storm water. • This excludes the expansion of such a facility or infrastructure, where the extended portion is 1000 metres or less, unless the 10% threshold is met. • The widening of such facilities or infrastructure can trigger this activity provided that the 10% threshold is met. • Extension or widening to such facilities or infrastructure within urban areas, even if this goes far beyond the 1 000 meter threshold, will not trigger this activity. • Extensions to such facilities or infrastructure within a road reserve will not trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.

LN 1 - Activity 38:	Interpretation:
<p>The expansion of facilities for the transmission and distribution of electricity where the expansion capacity will exceed 275 kilovolts and the development footprint will increase.</p>	<ul style="list-style-type: none"> • The extension of a power line cannot trigger this activity. The extension of a power line is deemed a construction activity in terms of the relevant construction activities in Listing Notices 1 or 2, should thresholds be met. • The trigger here is the expansion (not extension of a power line) of an existing facility where: <ol style="list-style-type: none"> a. The facility prior to expansion had an output of 275 kilovolts or less and b. The facility will after expansion have an output of 275 kilovolts or more and c. The development footprint will increase (in width). <p>All three variables in a, b and c must be met to trigger this activity e.g. if (a) above is not met, this activity cannot be triggered.</p> • Where there will be an increased output but no increase in footprint, this activity will not be triggered e.g. in the event where the existing 33 kilovolt line is replaced with a 400 kilovolt line but there are no increased development footprint this activity cannot be triggered. • In an event where there will be an increased footprint (excluding extensions to the power line) but no increase output, this activity will not be triggered. • Realignment of a power line will trigger construction and not expansion. • This activity excludes the replacement of like with like on exactly the same footprint. • The moving of poles within the existing footprint of the facility will not trigger this activity. • In the event where transformers or substations will be expanded and such expansion capacity will exceed 275 kilovolts and the development footprint will increase, this activity will be triggered. • Both above ground or underground transmission facilities are included.

LN 1 - Activity 39:	Interpretation:
<p>The expansion of</p> <ol style="list-style-type: none"> i. canals; ii. channels; iii. bridges; iv. weirs; v. bulk storm water outlet structures; and vi. marinas <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in</p>	<ul style="list-style-type: none"> • Such expansion activities behind the development setback line are excluded from this activity. • Such expansion activities further than 32 metres of the water course are excluded. Similarly, the expansion of such structures, irrespective the increase in capacity or physical footprint, within the watercourse or 32m threshold will trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion, even if the capacity would be increased.

<p>an increased development footprint but excluding where such expansion will occur behind the development setback line.</p>	<ul style="list-style-type: none"> • This activity only applies to the expansion of canals; channels; bridges; dams; weirs; bulk storm water outlet structures; marinas; jetties and slipways. • This activity excludes the increase of the height of existing structures in the event where there will be no increased footprint e.g. the adding of an additional storey to an existing building.
<p>LN 1 - Activity 40:</p>	<p>Interpretation:</p>
<p>The expansion of</p> <ol style="list-style-type: none"> jetties by more than 50 square metres; slipways by more 50 square metres; buildings by more than 50 square metres; or infrastructure by more than 50 square metres <p>within a watercourse, but excluding where such expansion will occur behind the development setback line.</p>	<ul style="list-style-type: none"> • Such expansion activities behind the development setback line are excluded from this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion, even if the capacity would be increased. • This activity excludes the increase of the height of existing structures in the event where there will be no increased footprint e.g. the adding of an additional storey to an existing building. • The expansion of a jetty or a slipway or a building with exactly 50 square metres will not trigger this activity.
<p>LN 1 - Activity 41:</p>	<p>Interpretation:</p>
<p>The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.</p>	<ul style="list-style-type: none"> • This excludes the expansion of such a facility or infrastructure, where the increased capacity will be less than 50 000 cubic metres. • This only applies to expansion of off-stream facilities or infrastructure. • This activity excludes the replacement of like with like on exactly the same footprint. • The trigger is increase in the capacity of the facility or infrastructure. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion. • It excludes in-stream storage facilities.
<p>LN 1 - Activity 42:</p>	<p>Interpretation:</p>
<p>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</p>	<ul style="list-style-type: none"> • This excludes the expansion of such a facility, where the increased capacity would be less than 80 cubic metres. • This activity excludes the replacement of like with like on exactly the same footprint. • The size of increased footprint has no relevance to the applicability of this activity. The trigger is increase in the capacity of the facility or infrastructure. • Demolition and redevelopment of a facility outside the existing

	<p>footprint would trigger construction and not expansion.</p> <ul style="list-style-type: none"> • The trigger for this activity is expansion of a facility and not merely the increase in storage. • Relocation of tanks within the existing footprint of the facility (e.g. tank farm) does not trigger this activity. • This activity includes either above or underground storage or a combination thereof. • This activity excludes the replacement of like with like on exactly the same footprint. • Even in the event where a dangerous good is not specifically mentioned in the SANS code, it (this blend or mixture) may cause such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, meaning that it falls within the definition of a dangerous good AND authorization will be required if the cubic metres thresholds are met.
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LN 1 - Activity 43:	Interpretation:
<p>The expansion of structures where the development footprint will be increased by more than 50 square metres in the coastal public property, excluding such expansions within existing ports or harbours where there would be no increase in development footprint or throughput capacity of the port or harbour.</p>	<ul style="list-style-type: none"> • This does not apply to expansions outside the coastal public property. • This excludes the expansion of such a facility, where the increased capacity would be 50 square metres or less. • This excludes any such expansions within existing ports or harbours where there would be no increase in development footprint or throughput capacity of the port or harbour. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.

LN 1 - Activity 44:	Interpretation:
<p>The expansion of facilities for the desalination of sea water where the design capacity will be expanded to produce an additional 100 cubic metres or more of treated water per day.</p>	<ul style="list-style-type: none"> • This activity can only be triggered in an event where there will be an expansion of a facility for the desalination of sea water. This excludes expansion to facilities for the desalination of e.g. mine water and other salt water. • This excludes the expansion of such a facility, where the increased capacity would be less than 100 cubic metres. • This activity excludes the replacement of like with like on exactly the same footprint. • The size of increased footprint has no relevance to the applicability of this activity. The trigger is increase in the capacity of the facility. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.

LN 1 - Activity 45:	Interpretation:
<p>The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –</p> <ol style="list-style-type: none"> fixed or floating jetties and slipways; tidal pools; embankments; rock revetments or stabilising structures including stabilising walls; buildings by more than 50 square metres; infrastructure by more than 50 square metres; facilities associated with the arrival and departure of vessels and the handling of cargo; piers; inter- and sub-tidal structures for entrapment of sand; breakwater structures; coastal marinas; coastal harbours or ports; structures for draining parts of the sea or estuary; tunnels; or underwater channels – <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <ol style="list-style-type: none"> behind a development setback line; or within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour. 	<p>A pier differs from a jetty in that it usually extends into the sea, where jetties are often found in estuaries and tidal rivers; piers are usually bigger than jetties, often made of concrete to provide access to ships, while jetties are smaller, often made of wood with a floating part to provide access to boats.</p> <ul style="list-style-type: none"> Such expansion activities behind the development setback line are excluded from this activity. This activity excludes the replacement of like with like on exactly the same footprint. Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion, even if the capacity would be increased. This excludes any such expansions within existing ports or harbours where there would be no increase in development footprint or throughput capacity of the port or harbour. If there's no increase in development footprint, this activity will not be triggered.

LN 1 - Activity 46:	Interpretation:
<p>The expansion of cemeteries by an additional 2500 square metres or more.</p>	<ul style="list-style-type: none"> This activity can only be triggered in an event where there will be an expansion of an existing cemetery. This excludes the expansion of a cemetery, where the increased capacity would be less than 2500 square metres.

LN 1 - Activity 47:	Interpretation:
<p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</p> <ul style="list-style-type: none"> i. where the existing reserve is wider than 13,5 meters; or ii. where no reserve exists, where the existing road is wider than 8 metres – <p>excluding widening or lengthening occurring inside urban areas.</p>	<ul style="list-style-type: none"> • This activity cannot be triggered for road widening or lengthening within urban areas. • The lengthening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that the 1 kilometre threshold is met. • This activity excludes the replacement of like with like on exactly the same footprint. • This excludes the addition of storm water management systems and e.g. pavements.
LN 1 - Activity 48:	Interpretation:
<p>The expansion of facilities for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the facility will be increased by 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</p>	<ul style="list-style-type: none"> • This excludes the expansion of such a facility where the capacity will be increased by less than 50 cubic metres. • This excludes the expansion of facilities for the refining, extraction or processing of gas from landfill sites. • This activity can only be triggered in an event where there will be an expansion of an existing facility for the refining, extraction or processing of gas, oil or petroleum products. • Prospecting can trigger this activity provided that the threshold is met.
LN 1 - Activity 49:	Interpretation:
<p>The expansion of facilities or infrastructure for the bulk transportation of dangerous goods:</p> <ul style="list-style-type: none"> i. in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day; ii. in liquid form, outside an industrial complex, by an increased throughput capacity of 50 cubic metres or more per day; or iii. in solid form, outside an industrial complex, by an increased throughput capacity of 50 tons or more per day. 	<ul style="list-style-type: none"> • This excludes the expansion of facilities or infrastructure for the bulk transportation of dangerous goods in gas, liquid or solid form, inside an industrial complex. • Expansion of facilities or infrastructure for bulk transportation of such goods (whether in gas, liquid or solid form) will trigger this activity if applicable thresholds are met. • Product throughput must be calculated by using the throughput capability and not envisaged capacity.
LN 1 - Activity 50:	Interpretation:
<p>The expansion of airports where the development footprint will be increased</p>	<ul style="list-style-type: none"> • Any expansion of an airport would trigger this activity provided that there is an increased development footprint.

LN 1 - Activity 51:	Interpretation:
The expansion of facilities or infrastructure for marine telecommunication where there will be an increased development footprint.	<ul style="list-style-type: none"> Any expansion of such facilities or infrastructure would trigger this activity provided that there is an increased development footprint. This includes any increase in footprint of existing facilities or infrastructure within the sea and on land, as long as this is for the purposes of marine telecommunication. This excludes any facilities or infrastructure not specifically used for marine telecommunication. This activity excludes the replacement of like with like on exactly the same footprint. Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.

LN 1 - Activity 52:	Interpretation:
<p>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following:</p> <ol style="list-style-type: none"> water catchments; water treatment works; or impoundments; - <p>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes</p>	<ul style="list-style-type: none"> Expansion of facilities by less 50 000 cubic metres is excluded. Facilities for water treatment works where water is treated for drinking purposes are excluded.

LN 1 - Activity 53:	Interpretation:
<p>The expansion of railway lines, stations or shunting yards where there will be an increased development footprint: -</p> <p>excluding:</p> <ol style="list-style-type: none"> railway lines , shunting yards and railway stations in industrial complexes; underground railway lines in mines; and additional railway lines within the reserve of an existing railway line. 	<ul style="list-style-type: none"> In an event where a railway line, station or shunting yard is expanded, but there are no increase in the development footprint, this activity will not be triggered. Expansion of railway lines, shunting yards and railway stations in industrial complexes, does not trigger this activity. Expansion of underground railway lines in mines, does not trigger this activity. The addition of railway lines within the reserve of an existing railway line neither triggers the construction nor this expansion activity.

LN 1 - Activity 54:	Interpretation:
The expansion of an island, anchored platform or any other permanent structure on or along the sea	<i>"permanent" for the purpose of this activity, refers to a period of more than 6 (six) weeks.</i>

bed, where the expansion will constitute an increased development footprint.	<ul style="list-style-type: none"> In cases where the expansion will not constitute an increased development footprint, the activity will not be triggered.
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LN 1 - Activity 55:	Interpretation:
<p>The expansion of a dam where:</p> <ol style="list-style-type: none"> the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or where the high-water mark of the dam will be increased with 10 hectares or more. 	<ul style="list-style-type: none"> This includes the expansion of a dam where the highest part of the dam wall (as measured from the outside toe of the wall to the highest part of the wall) was originally 5 meters or higher and where the height of the wall is increased by 2,5 metres or more. This excludes the expansion of a dam where the highest part of the dam wall (as measured from the outside toe of the wall to the highest part of the wall) was lower than 5 meters even where the height of the wall is increased by 2,5 metres or more. This includes the expansion of a dam where the high-water mark of the dam will be increased with 10 hectares or more.

LN 1 - Activity 56:	Interpretation:
<p>Phased activities for all activities listed in this Schedule, which commenced on or after the effective date of this Schedule, where any one phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold; -</p> <p>excluding the following activities listed in this Schedule:</p> <p>2; 11(i)-(vii); 16(i)-(iv); 17; 19; 20; 22(i) & 22(iii); 25; 26; 27(iii) & (iv); 28; 39; 45(i)-(iv) & (vii)-(xv); 50; 51; 53; and 54.</p>	<ul style="list-style-type: none"> This activity excludes activities 2; 11(i)-(vii); 16(i)-(iv); 19; 20; 22(i) & (iii); 25; 26; 27(iii) and 27(iv); 28; 39; 45(i)-(iv) & (vii)-(xv); 50; 51; 53; and 54. . Activity 56 is applicable to all other activities in this listing notice not specifically excluded above. In order for this activity to be triggered more than one phase of this activity must have occurred after the enactment of the relevant listed activity. This activity does not apply to any phased activities in terms of activities listed in listing notice 2.

Listing Notice 2 (LN 2)	
LN 2 - Activity 1:	Interpretation:
The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> • The construction of a new facility meeting the relevant thresholds will trigger the listed activity. • The construction of a new facility and infrastructure directly to do with the facility meeting the relevant thresholds will trigger the relevant listed activity. • The construction of infrastructure only, directly to do with the facility, prior to the development of the facility (<i>meeting the relevant thresholds</i>) will trigger this activity. • The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This activity can only be triggered in an event where a new electricity generation facility will be constructed. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • Demolition and redevelopment outside the existing footprint would trigger the construction activity, provided that thresholds are met. • The demolition of e.g. a coal fired power plant and the consequent construction of a gas fired power station or nuclear power plant will trigger this activity. • Where there is an existing electricity generation facility, irrespective the size, where additional electricity generation is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • Co-generation: Where a co-generation facility will be added to an existing industry (<i>where no electricity was generated</i>), this activity can be triggered if thresholds are met.

LN 2 - Activity 2:	Interpretation:
<p>The construction of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant thresholds will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant thresholds will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This activity can only be triggered in an event where a new facility is to be constructed. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within Listing Notice 1. • Demolition and redevelopment outside the existing footprint would trigger the construction activity, provided that thresholds are met. • The demolition of e.g. one type facility and the consequent construction of a facility of another type will trigger this activity. • In an event where there is an existing nuclear reaction facility, irrespective the size, where additional capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered.

LN 2 - Activity 3:	Interpretation:
<p>The construction of facilities or infrastructure for the storage; or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already

	<p>exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice.</p> <ul style="list-style-type: none"> • The trigger for this activity is construction and not the storage of dangerous goods. • This excludes storage facilities of 500 cubic metres or less, in which case LN1 is likely to be triggered. . • This includes storage facilities of more than 500 cubic metres. • Relocation of tanks within the existing footprint of the facility (e.g. <i>tank farm</i>) does not trigger this activity • The storage of transformer oil in containers meeting the threshold will trigger this activity. However a transformer itself cannot be defined as a container or a storage facility. The storage of the transformer (with oil inside) does not trigger this activity. • Not all tanks are constructed for the primary purpose of storage. In this regard leaching tanks, galvanizing baths, acid baths or tanks where chemicals are mixed as part of a process are excluded from this activity. However, the storage only of such dangerous goods for purposes of later use will trigger this activity (e.g. <i>such hazardous substances not directly part of the process</i>). • This activity includes either above or underground storage or a combination thereof. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a storage facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • Even in the event where a dangerous good is not specifically mentioned in the SANS code, it (this blend or mixture) may cause such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, meaning that it falls within the definition of a dangerous good AND authorization will be required if the cubic metres thresholds are met. • Where there is an existing storage facility, irrespective the size, where additional storage capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity in LN1 will be triggered if the relevant thresholds are met. • Containers for bio-fuel plants would trigger this activity, depending on thresholds.
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LN 2 - Activity 4:	Interpretation:
<p>The construction of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products with an installed capacity of 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - Petroleum products also include petrol and diesel. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • Prospecting can trigger this activity. • This excludes the construction of such a facility where the capacity will be lower than 50 cubic metres. • This activity can only be triggered in an event where there will be construction of new facility for the refining, extraction or processing of gas, oil or petroleum products. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility (<i>for refining, extraction or processing of gas, oil or petroleum products</i>) and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within this listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In an event where there is an existing facility, irrespective the size, where additional capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.
LN 2 - Activity 5:	Interpretation:
<p>The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the

<p>section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>	<p>facility, prior to the development of the facility will trigger this activity.</p> <ul style="list-style-type: none"> - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This activity does not cover local bylaws etc. • It is not the act or process of applying for a permit or license that triggers this activity. It is the construction of a facility or infrastructure requiring such a permit or license.
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LN 2 - Activity 6:	Interpretation:
<p>The construction of facilities or infrastructure for the bulk transportation of dangerous goods -</p> <ol style="list-style-type: none"> i. in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day; ii. in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day; or iii. in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons day. 	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - In an event where a facility already exists, but infrastructure, meeting the thresholds would be constructed, this activity will indeed be triggered. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This excludes the construction of such facilities or infrastructure inside an industrial complex. • The lengthening of such infrastructure must be dealt with as expansion and not construction. • Product throughput must be calculated by using the design capacity and not envisaged capacity. • For activities 6(i) to be triggered the distance threshold as well as the throughput capacity threshold must be met. • For activities 6(ii) to be triggered the distance threshold as well as the throughput capacity threshold must be met. • For activities 6(iii) to be triggered the throughput capacity must be more than 50 tons per day.

LN 2 - Activity 7:	Interpretation:
<p>The construction of:</p> <ul style="list-style-type: none"> i. airports where the development footprint will exceed 6 hectares in size; or ii. runways or aircraft landing strips longer than 1.4 kilometres. 	<ul style="list-style-type: none"> • This includes the construction of all airports, irrespective the size thereof. • This excludes runways or aircraft landing strips that are shorter than or exactly 1.4km in length. • The construction of runways or aircraft landing strips longer than 1.4 kilometres will trigger the listed activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The widening or extension of runways or aircraft landing strips irrespective the increase of physical footprint or consequent throughput capacity would not trigger this activity. • Demolition and redevelopment of an airport, runway or aircraft landing strip, outside the existing footprint would trigger construction and not expansion. • The surfacing, hardening or re-surfacing of an existing landing strip or runway does not trigger this activity.

LN 2 - Activity 8:	Interpretation:
<p>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This activity can only be triggered in an event where (where thresholds are met): <ul style="list-style-type: none"> a. A new electricity transmission or distribution facility would be constructed or b. An existing electricity transmission or distribution facility would be extended / lengthened. In this regard the lengthening of a transmission line is deemed construction and not expansion. • This totally excludes any facilities or infrastructure of less than 275 kilovolts. • This activity will not be triggered for facilities of 275 kilovolts or more within urban areas or industrial complexes. • Realignment of a power line meeting the thresholds will trigger

	<p>this activity, unless within urban areas or industrial complexes.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility or infrastructure and the consequent redevelopment of the facility or infrastructure falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • The moving of poles within the existing footprint or “canopy” of the facility will not trigger this activity. • This activity will be triggered for the construction of substations and transformers. However, the upgrading or addition of e.g. transformers and substations will trigger the expansion activity in this listing notice, if thresholds are met. • This excludes the storing of a transformer for purposes related to later replacement. • Aboveground or underground transmission facilities and infrastructure are included.
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LN 2 - Activity 9:	Interpretation:
The construction of facilities or infrastructure for marine telecommunication.	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within Listing Notice 1 (GNR 544). • The DEA is the CA for all applications submitted by a statutory body (i.e. ESKOM, TELKOM) (refer section 24C(2) of NEMA). • DEA is also the CA for any area falling beyond 150 meters seawards from the high-water mark (refer section 24C(2) of NEMA). Marine telecommunication lines/cables (or a majority of the cables) are usually laid beyond 150 meters seaward from the high water mark of the sea. For this reason the CA should be identified as DEA, even if there are associated structures that will be constructed on land too. • This excludes any facilities or infrastructure not specifically used for marine telecommunication. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.

LN 2 - Activity 10:	Interpretation:
<p>The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</p> <ol style="list-style-type: none"> water catchments; water treatment works; or impoundments; - <p>excluding treatment works where water is to be treated for drinking purposes;</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • This excludes the construction of facilities or infrastructure for storage of water. • This excludes the construction of facilities or infrastructure for the transfer of water to or from water treatment works where water is treated for drinking purposes. • This excludes the construction of facilities or infrastructure for the transfer of water to or from aquifers or mines. • This excludes the construction of such a facility or infrastructure, where the increased capacity is less than 50 000 cubic metres. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion. • This includes such facilities or infrastructure within a road reserve.
LN 2 - Activity 11:	Interpretation:
<p>The construction of railway lines, stations or shunting yards, excluding</p> <ol style="list-style-type: none"> railway lines, shunting yards and railway stations in industrial complexes or zones; underground railway lines in a mining area; and additional railway lines within the reserve of an existing railway line. 	<ul style="list-style-type: none"> • This excludes railway lines, stations or shunting yards in industrial complexes. • This includes underground railway lines, unless within mining areas. • The addition of railway lines within the reserve of an existing railway line neither triggers the construction nor the expansion activity. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of railway lines, stations or shunting yards outside the existing footprint would trigger construction and not expansion.

LN 2 - Activity 12:	Interpretation:
<p>The construction of facilities or infrastructure for aquaculture of -</p> <ol style="list-style-type: none"> finfish, crustaceans, reptiles or amphibians with a production output of 200 000 kg or more per annum (wet weight); molluscs with a production output of 150 000 kg or more per annum (wet weight); aquatic plants with a production output of 200 000 kg or more per annum (wet weight) <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 13 in this Notice will apply.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. <p>“offshore” in relation to aquaculture facilities and for the purpose of this document, means any area seaward of the low-water mark of the sea, excluding estuaries.</p> <p>“production output” should be interpreted as the designed capacity in terms of the amount of final product (“wet weight”) that can be produced or removed from the facility per year and not actual or anticipated the amount produced or removed from the facility at any given time.</p> <p>“wet weight” should be interpreted as meaning the weight of the plant or animal biomass before the removal of water or before being dried. In the case of mollusc species wet weight refers to the weight with the shell.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the “re-developed” facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing facility, irrespective the size, where additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.

LN 2 - Activity 13	Interpretation:
<p>The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, mollusks and aquatic plants with a production output of 100 000 kg or more per annum (wet weight).</p>	<p>"offshore" in relation to aquaculture facilities and for the purpose of this document, means any area seaward of the low-water mark of the sea, excluding estuaries.</p> <p>"production output" should be interpreted as the designed capacity in terms of the amount of final product ("wet weight") that can be produced or removed from the facility per year and not actual or anticipated the amount produced or removed from the facility at any given time.</p> <p>"wet weight" should be interpreted as meaning the weight of the plant or animal biomass before the removal of water or before being dried. In the case of mollusc species wet weight refers to the weight with the shell.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the <i>"re-developed"</i> facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In a case where there is an existing facility, irrespective the size, where additional buildings are to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met.
LN 2 - Activity 14	Interpretation:
<p>The construction of an island, anchored platform or any other permanent structure on or along the sea bed excluding construction of facilities, infrastructure or structure for aquaculture purposes.</p>	<p>"permanent" for the purpose of this activity, refers to a period of more than 6 (six) weeks.</p> <ul style="list-style-type: none"> • This includes the construction of an island or anchored platform, whether permanent or temporary. • This includes the construction of any other permanent structure. • This does not include the construction of other temporary structures which is not defined as island or anchored platforms.

LN 2 - Activity 15:	Interpretation:
<p>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</p> <p>except where such physical alteration takes place for:</p> <ol style="list-style-type: none"> linear development activities; or agriculture or afforestation where activity 16 in this Schedule will apply. 	<ul style="list-style-type: none"> Physical alteration of cultivated land, land used for afforestation and / or ploughed land will indeed trigger this activity, provided that the relevant thresholds are met (such land are deemed to be undeveloped). If no physical alteration, the activity will not be triggered For the construction or expansion of linear activities (as defined in the regulations), this activity cannot be triggered. For the construction or expansion of linear activities (as defined in the regulations), this activity cannot be triggered. This excludes areas below the high-water mark of the sea. The determining factor is the size of the land to be physically altered, not the size of the property. Physical alteration includes the entire new development footprint including buildings, infrastructure, landscaping, area where earthworks have taken place, construction camp etc. The mowing of grass or burning thereof would not trigger this activity. The physical alteration of land for the purposes of agriculture and afforestation is excluded from this activity. In the determination of the area to be physically altered, existing physically altered areas [e.g. <i>buildings, infrastructure, landscaping (including kikuyu grass), area where earthworks have taken place, construction camp etc.</i>] must be excluded from the equation. In other words an area already physically altered cannot trigger this activity. A food garden is deemed to be for agriculture purposes and accordingly all listed activities in GNRs 544, 545 and 546 excluding "agricultural purposes" cannot be triggered (i.e. activity 23 of GNR 544 and activity 14 of GNR 546).
LN 2 - Activity 16:	Interpretation:
<p>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</p>	<ul style="list-style-type: none"> This activity only applies to land that has not already been cultivated. This activity excludes such activities where the production is less than 100 hectares. Afforestation and agriculture is not specifically listed under GNR 544 and GNR 546. In an event where the 100 hectare threshold would not be met, a number of the other activities in all 3 listing notices may possibly be triggered. The listed activity does not refer to property size, but rather to the area of the plantation(s). This only includes agriculture or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.

	<ul style="list-style-type: none"> • The mowing of e.g. a field or the burning thereof is not covered under this activity.
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LN 2 - Activity 17:	Interpretation:
The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils.	<ul style="list-style-type: none"> • The following activities are covered by this listed activity: • Removal of peat, irrespective the quantity. • Removal of peat soils, irrespective the quantity. • Disturbance of vegetation in anticipation of the extraction or removal of peat or peat soils. • Disturbance of soils in anticipation of the extraction or removal of peat or peat soils.

LN 2 - Activity 18:	Interpretation:
<p>The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before 03 July 2006 and which have not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006, made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006,—</p> <ol style="list-style-type: none"> it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998); it is a road administered by a provincial authority; the road reserve is wider than 30 metres; or the road will cater for more than one lane of traffic in both directions. 	<ul style="list-style-type: none"> • The route determination activity in this listing notice only covers those roads that do not yet exist but are being planned for later construction. • This excludes roads already authorized by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006. • If the road falls outside the scope of 18(i), 18(ii), 18(iii) and 18(iv) this activity is not be triggered.

LN 2 - Activity 19:	Interpretation:
The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.	<ul style="list-style-type: none"> • This includes the construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher. • This also includes the construction of a dam, where the high-water mark of the dam covers an area of 10 hectares or more. • This excludes any expansion of an existing dam.

LN 2 - Activity 20:	Interpretation:
Any activity which requires a mining right or renewal thereof as contemplated in sections 22 and 24 respectively of the Mineral and Petroleum	<ul style="list-style-type: none"> • This activity has been enacted as it is in the notice, it just has not become effective yet. • Although this activity will only be enacted at a later stage, any

Resources Development Act, 2002 (Act No. 28 of 2002).	other activities listed (in any of the 3 listing notices) as a result of the proposed prospecting or mining, will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.
LN 2 - Activity 21:	Interpretation:
Any activity which requires an exploration right or renewal thereof as contemplated in sections 79 and 81 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	<ul style="list-style-type: none"> • This activity has been enacted as it is in the notice, it just has not become effective yet. • Although this activity will only be enacted at a later stage, any other activity listed triggered (in any of the 3 listing notices) as a result of the proposed prospecting or mining will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.
LN 2 - Activity 22:	Interpretation:
Any activity which requires a production right or renewal thereof as contemplated in sections 83 and 85 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	<ul style="list-style-type: none"> • This activity has been enacted as it is in the notice, it just has not become effective yet. • Although this activity will only be enacted at a later stage, any other activity listed triggered (in any of the 3 listing notices) as a result of the proposed prospecting or mining will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.
LN 2 - Activity 23:	Interpretation:
Any activity which requires a reconnaissance permit as contemplated in section 74 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), excluding where such reconnaissance is conducted by means of a fly over.	<ul style="list-style-type: none"> • This activity has been enacted as it is in the notice, it just has not become effective yet. • Although this activity will only be enacted at a later stage, any other activity listed triggered (in any of the 3 listing notices) as a result of the proposed prospecting or mining will still require an environmental authorization in terms of these regulations. In an event where both the MPRDA and NEMA EIA regulations are triggered by e.g. a mining activity, both processes need to be followed.

LN 2 - Activity 24:	Interpretation:
<p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</p> <ol style="list-style-type: none"> i. facilities associated with the arrival and departure of vessels and the handling of cargo; ii. piers; iii. inter- and sub-tidal structures for entrapment of sand; iv. breakwater structures; v. coastal marinas; vi. coastal harbours or ports; vii. structures for reclaiming parts of the sea; viii. tunnels; or ix. underwater channels; <p>but excluding —</p> <ol style="list-style-type: none"> a. activities listed in activity 16 in Notice 544 of 2010, b. construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line; c. where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or d. where such construction or earth moving activities takes place for maintenance purposes. 	<ul style="list-style-type: none"> • Such construction activities further than 100m inland of the high water mark of the sea or an estuary are excluded. • Such construction or earth moving activities behind the development setback line are excluded from this activity. • Such construction or earth moving activities occurring within existing ports or harbours where the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour are excluded. • Construction or earth moving activities for maintenance purposes are excluded, provided that there is no increase in existing development footprint. • Such construction or earth moving activities listed in LN 1, are excluded from this activity. • Dredging is included but maintenance dredging excluded. • This activity excludes the replacement of like with like on exactly the same footprint. • This activity excludes the increase of the height of existing structures in the event where there will be no increased footprint e.g. the adding of an additional storey to an existing building. The demolition of such a structure and consequent redevelopment of the structure falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the “re-developed” structure goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction.
LN 2 - Activity 25:	Interpretation:
<p>The expansion of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p>	<ul style="list-style-type: none"> • This includes any expansion of such facilities. • Any expansion (irrespective the size of the expansion) to such an existing facility where the footprint or capacity of the facility is increased can trigger this activity, provided that the variables of the listed activity is met.

LN 2 - Activity 26:	Interpretation:
<p>Commencing of an activity, which requires an atmospheric emission licence in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004), except where such commencement requires basic assessment in terms of Notice No. R 544 of 2010.</p>	<ul style="list-style-type: none">• This excludes expansion and construction of such facilities. This includes <i>"recommissioning"</i> of an existing facility if it includes the first time commencement of an activity provided for in section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004)... i.e. <i>a general waste incinerator is now for the first time being used for the incineration of medical waste.</i>

Listing Notice 3 (LN 3)	
LN 3 - Activity 1:	Interpretation:
The construction of billboards exceeding 18 square metres in size outside urban or mining areas or outside industrial complexes.	<ul style="list-style-type: none"> • Construction: <ul style="list-style-type: none"> - The construction of a new billboard meeting the relevant threshold may trigger the listed activity. - The construction of infrastructure related to the billboard (e.g. a road or fence) will not trigger the relevant listed activity. • Environmental authorisation for this activity is required where the activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in one or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls inside an identified geographical area, but falls inside a mining area, urban area or industrial complex, this activity cannot be triggered. • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This activity can only be triggered where the threshold is met, e.g.: <ul style="list-style-type: none"> - A billboard of 18 square metres or smaller in size would not trigger this activity. - Any billboard larger than 18 square metres in size can trigger this activity. • The relocation of a billboard to another location (even on the same site) meeting the thresholds may trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a billboard and the consequent redevelopment of the billboard falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • Contrary to the listing of billboards in the previous set of NEMA EIA regulations, the guidelines provided for billboards in terms of South African Manual for Outdoor Advertising Control (SAMOAC) has no relevance to the listing of this activity.
LN 3 - Activity 2:	Interpretation:
The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.	<ul style="list-style-type: none"> • Construction: <ul style="list-style-type: none"> - This excludes dams. - The construction of a reservoir or combination of reservoirs meeting the relevant threshold may trigger the listed activity.

	<ul style="list-style-type: none"> - The construction of infrastructure related to the reservoir (e.g. a road, water pipes, channels or fence) will not trigger the relevant listed activity. • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This activity can only be triggered in an event where the threshold is met, e.g.: <ul style="list-style-type: none"> - A reservoir of 250 cubic metres or smaller in size will not trigger this activity. - A reservoir of more than 250 cubic metres in size may trigger this activity. - A combination of two or more reservoirs, as part of the same development, with a capacity cumulative of more than 250 cubic metres in size will trigger this activity. <p>The expansion of a reservoir will not trigger this activity.</p> <ul style="list-style-type: none"> • The relocation of a reservoir to another location (even on the same site) meeting the thresholds will trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a reservoir and the consequent redevelopment of the reservoir falls outside the definition of construction, as long as this will be redeveloped within the same footprint and it is of the same capacity.
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LN 3 - Activity 3:	Interpretation:
<p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</p> <ol style="list-style-type: none"> i. is to be placed on a site not previously used for this purpose, and ii. will exceed 15 metres in height, <p>but excluding attachments to existing buildings and masts on rooftops.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required where the activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This excludes towers and masts not used for telecommunication broadcasting or radio transmission purposes e.g. <i>wind masts, lighting poles, lightning poles, surveillance cameras, radar masts, fire detection towers and radar masts.</i> • This excludes masts and towers to be placed on a site not

	<p>previously used for this purpose, if such masts or towers are 15m or lower.</p> <ul style="list-style-type: none"> • This excludes all masts and towers of more than 15 metres in height if this is to be placed on a site previously used for this purpose. Site does not necessarily and in most instances refer to the geographic entity or property. For any uncertainty in this regard the provincial environmental department must be consulted. • Attachments to existing buildings would not trigger this activity e.g. a pole and antennae, satellite dishes. • This activity excludes the construction of a mast on a roof top. • The construction of infrastructure related to the mast or tower (e.g. a road, base station or fence) will not trigger the relevant listed activity. • The expansion of a mast or tower will not trigger this activity. • The relocation of a mast or tower to another location (even on the same site) meeting the thresholds may trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a mast or tower and the consequent redevelopment and or expansion (on same "site") thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint.
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LN 3 - Activity 4:	Interpretation:
The construction of a road wider than 4 metres with a reserve less than 13,5 metres.	<ul style="list-style-type: none"> • The argument that a road may have no reserve is irrelevant to the listing of this activity. If no reserve has been applied for or duly approved the reserve = 0 (zero) meters (for the purposes of the regulations a reserve exists). • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This excludes all roads with a width of 4 metres or less. • This excludes all roads with a reserve of 13,5 metres or more. • For this activity to be triggered, both thresholds must be met e.g.: <ul style="list-style-type: none"> - A road wider than 4 metres with a reserve less than 13,5 metres, will trigger this activity. - A road wider than 4 metres with a reserve of 13,5 metres or more will not trigger this activity. • This activity can be triggered in the event where the main activity

	<p>isn't triggered. e.g. the construction of a road within the middle of a proposed shopping centre development.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a road and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint • The widening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that thresholds are met. • The lengthening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that thresholds are met. • Toll gates and traffic control centre's are excluded from this activity. • The addition of storm water management systems and e.g. pavements are excluded from this activity. • A road includes the tarred area and the shoulders thereof. • Surfacing, tarring or hardening of a road is neither deemed construction nor expansion.
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LN 3 - Activity 5:	Interpretation:
<p>The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • The expansion of a resort, lodge or other tourism accommodation facility will not trigger this activity, but may trigger expansion activity, activity 18 of GNR 546. • The relocation of a resort, lodge or other tourism accommodation facility to another location (even on the same site) may trigger this activity, provided that the threshold is met. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a resort, lodge or other tourism accommodation facility and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • Caravan parks and tent camps are included. • The construction of e.g. a hiking trail, swimming pool, quad bike track, sports facility, entrance, additional accommodation units

	<p>etc. forming part of an existing resort, lodge or other tourism accommodation facility does not trigger this activity. However, if such infrastructures are developed in conjunction with the resort, lodge or other tourism accommodation facility this infrastructure must form part of the application.</p> <ul style="list-style-type: none"> • This activity excludes the replacement of like with like on exactly the same footprint. • This excludes the construction of such resorts, lodges or other tourism accommodation not related to overnight accommodation.
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LN 3 - Activity 6:	Interpretation:
<p>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • The expansion of a resort, lodge or other tourism accommodation facility will not trigger this activity. • In an event where threshold will not be met activity 5 of this listing notice may be triggered. • The relocation of a resort, lodge or other tourism accommodation facility to another location (even on the same site) may trigger this activity, provided that the threshold is met. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a resort, lodge or other tourism accommodation facility and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • Caravan parks and tent camps are included. • The construction of e.g. a <i>hiking trail, swimming pool, quad bike track, sports facility, entrance, additional accommodation units</i> etc. forming part of an existing resort, lodge or other tourism accommodation facility does not trigger this activity. However, if such infrastructure is developed in conjunction with the resort, lodge or other tourism accommodation facility this infrastructure must form part of the application. • This activity excludes the replacement of like with like on exactly the same footprint. • This excludes the construction of such resorts, lodges or other

	tourism accommodation not related to overnight accommodation.
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LN 3 - Activity 7:	Interpretation:
The conversion of existing structures, to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This activity cannot be triggered in cases where no physical changes, renovations or alterations to the existing structure are required. • In cases where such a facility sleeps less than 15 people, irrespective the size or sensitivity of the receiving environment, this activity will not be triggered, unless the development footprint of the existing structure would increase. • This activity cannot be triggered in cases where no physical changes, renovations or alterations to the existing structure (for overnight purposes) are required. • The conversion of e.g. a <i>hiking trail, swimming pool, quad bike track, sports facility, entrance, garage, parking area, bird hide, cable car, access road etc.</i> would not trigger this activity. • The conversion of an existing resort, lodge or other tourism accommodation facility to another type (e.g. resort – lodge) does not trigger this activity. It only applies in an event where the existing structure was used for purposes other than a resort, lodge or tourism accommodation facility.

LN 3 - Activity 8:	Interpretation:
The construction of aircraft landing strips and runways 1,4 kilometres and shorter.	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity

	<p>thereof to such an identified geographical area.</p> <ul style="list-style-type: none"> • This excludes the construction of airports, irrespective the size thereof. Refer to Listing Notice 2. • This excludes runways or aircraft landing strips of 1.4km in length or longer. • This activity excludes the replacement of like with like on exactly the same footprint. • The widening or extension of runways or aircraft landing strips irrespective the increase of physical footprint or consequent throughput capacity would not trigger this activity. • Demolition and redevelopment of a runway or an aircraft landing strip, outside the existing footprint would trigger construction and not expansion. • The surfacing, hardening or re-surfacing of an existing landing strip or runway does not trigger this activity.
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LN 3 - Activity 9:	Interpretation:
The construction of above ground cableways and funiculars.	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • No thresholds are prescribed for this activity, meaning that above ground cableways and funiculars of any size will trigger this activity, provided that this falls within an identified geographical area. • The expansion of an above ground cableway or funicular will not trigger this activity. • The relocation of an above ground cableway or funicular to another location (even on the same site) may trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of an above ground cableway and funicular and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • This excludes "foefieslides" and "zip lines".

LN 3 - Activity 10:	Interpretation:
<p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of between 30 and not exceeding 80 cubic metres.</p>	<ul style="list-style-type: none"> • Construction of facilities or infrastructure: <ul style="list-style-type: none"> - The construction of a new facility meeting the relevant threshold will trigger the listed activity. - The construction of a new facility and infrastructure directly to do with the facility meeting the relevant threshold will trigger the relevant listed activity. - The construction of infrastructure only, directly to do with the facility, prior to the development of the facility will trigger this activity. - The construction of infrastructure where a facility already exists does not trigger this activity. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. • The construction of a new filling station meeting the relevant threshold will trigger this activity. A filling station (<i>including its i.e. canopy, shop area, car wash & storage tanks etc.</i>) is deemed to be such a facility. • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • The trigger for this activity is construction and not the storage of dangerous goods. • This excludes storage facilities of more than 80 cubic metres, in which event listing notice 1 or 2 will be triggered. • This includes storage facilities of exactly 80 cubic metres. • This includes storage facilities of 30m³ or more, but less than 80 cubic metres. • Relocation of tanks within the existing footprint of the facility (e.g. tank farm) does not trigger this activity. • The storage of transformer oil in containers meeting the threshold will trigger this activity. However a transformer itself cannot be defined as a container or a storage facility. The storage of the transformer (with oil inside) does not trigger this activity. • Not all tanks are constructed for the primary purpose of storage. In this regard leaching tanks, galvanizing baths, acid baths or tanks where chemicals are mixed as part of a process are excluded from this activity. However, the storage only of such

	<p>dangerous goods for purposes of later use will trigger this activity (e.g. such hazardous substances not directly part of the process).</p> <ul style="list-style-type: none"> • This activity includes either above or underground storage or a combination thereof. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of a storage facility and consequent redevelopment of the facility falls outside the definition of construction, as long as this will be redeveloped within the same footprint. In such an event, this activity will not be triggered. The same applies in an event where a portion of the "re-developed" facility goes beyond the original footprint. The possibility however exists that this will trigger the relevant expansion activity within the same listing notice. Demolition and redevelopment outside the existing footprint triggers construction. • In an event where there is an existing storage facility, irrespective the size, where additional storage capacity is to be added, the construction activity cannot be triggered. In such cases the expansion activity will be triggered if the relevant thresholds are met. • Containers for bio-fuel plants would trigger this activity, depending on thresholds. • Even in the event where a dangerous good is not specifically mentioned in the SANS code, it (this blend or mixture) may cause such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, meaning that it falls within the definition of a dangerous good AND authorization will be required if the cubic metres thresholds are met.
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LN 3 - Activity 11:	Interpretation:
<p>The construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • No thresholds are prescribed for this activity, meaning that the construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles of any size will trigger this activity, provided that this falls within an identified

	<p>geographical area.</p> <ul style="list-style-type: none"> • It excludes the conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles. • The expansion of such tracks or routes will not trigger this activity. • The relocation of such tracks or routes to another location (even on the same site) may trigger this activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of such tracks or routes and the consequent redevelopment thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint. • The construction of 4X4 tracks are covered under this activity. • The trigger is construction; it is not the physical activity of racing of riding for pleasure that is listed, but the construction of the facility for that purpose.
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INTERPRETATION OF ACTIVITIES 12, 13 & 14 OF LISTING NOTICE 3

LN 3 - Activity 12:

The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

LN 3 - Activity 13:

The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) *the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.*
- (2) *the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No 544 of 2010.*

LN 3 - Activity 14:

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

1. *purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;*
2. *the undertaking of a process or activity included in the list of waste management activities published in terms of section*

19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;

3. the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.

Principles

The level of alien infestation of indigenous vegetation is not a consideration when calculating the 75% threshold.

How does the Geographical Areas work?

Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area.

What is the trigger or Act requiring authorisation?

The trigger for each of the 3 listed activities are **the clearance of an area of x, y, z of vegetation**.

Ploughing of land **amongst others**, constitutes clearance of vegetation.

Burning of vegetation (e.g. fire- breaks) and pruning does not constitute vegetation clearance.

What is indigenous vegetation?

As per the definition of GN R 546 "**Indigenous vegetation**": *refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding 10 years.*

When are these activities triggered?

The following are the questions to be asked in the determination as to whether one of the above-mentioned listed activities will be triggered:

- a. What is the size of the area that will be cleared of vegetation (*note that you are not looking at indigenous at this stage*). Is it 300m² / 1ha / 5ha or more and is it in one of the specified areas relevant to the listed activity?
- b. **If the answer to (a) above is no** - in other words either the 300m² / 1ha / 5ha threshold is not met **OR** the clearance is not within a specified area, then activities 12, 13 and 14 respectively of LN 3 cannot be triggered.
- c. **If the answer to (a) above is yes**- in other words the 300m² / 1ha / 5ha threshold is met and the clearance is within a specified area, then activities 12, 13 and 14 respectively of LN 3 will be triggered **provided that:**
 - **75% or more** of this area to be cleared of vegetation meets the definition of indigenous vegetation; **OR**
 - where the **indigenous vegetation to be cleared meets or exceeds the 300m², 1ha and 5 ha threshold.**

KEY:

Indigenous vegetation as per NEMA EIA regulations Definition.



Not Indigenous vegetation as per NEMA EIA regulation Definition.

Example 1

Farmer intends to clear an area of vegetation of 322m². The entire area to be cleared meets the definition of indigenous vegetation (*although VERY heavily infested with aliens*). This is within one of the geographical areas specified in activity 12 of LN 3 (e.g. *Renosterveld is critically endangered*).

1. Is the size of the area that will be cleared of vegetation 300m² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
Yes, 322m² Yes, Renosterveld is a specified area in LN (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the relevant activity cannot be triggered?	4. If the answer to 1 & 2 above is YES, does 75% or more of the vegetation to be cleared meet the definition of indigenous vegetation?	5. If the answer to 4 is NO, will the indigenous vegetation to be removed meet the 300m², 1ha or 5ha threshold?
	Yes - 100% of this area to be cleared meets this definition.	



Activity 12 of LN 3 triggered: BA required

Example 2

Farmer intends to clear an area of vegetation of 188m². The entire area to be cleared meets the definition of indigenous vegetation (*although VERY heavily infested with aliens*). This is within one of the geographical areas specified in activity 12 of LN 3 (e.g. *Renosterveld is critically endangered*).

1. Is the size of the area that will be cleared of vegetation 300m² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
No, 188m² Yes, Renosterveld is a specified area in LN (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the	4. If the answer to 1 & 2 above is YES, does 75% or more of the	5. If the answer to 4 is NO, will the indigenous vegetation to be

relevant activity cannot be triggered?	vegetation to be cleared meet the definition of indigenous vegetation?	removed meet the 300m ² , 1ha or 5ha threshold?
<i>Total vegetation clearance does not meet threshold</i>		



Not listed: No BA required

Example 3

Farmer intends to clear an area of vegetation of 350m². The entire area to be cleared meets the definition of indigenous vegetation (*although VERY heavily infested with aliens*). This is NOT within one of the specified areas.

1. Is the size of the area that will be cleared of vegetation 300m² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
Yes, 350m ² No, outside all specified areas in LN (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the relevant activity cannot be triggered?	4. If the answer to 1 & 2 above is YES, does 75% or more of the vegetation to be cleared meet the definition of indigenous vegetation?	5. If the answer to 4 is NO, will the indigenous vegetation to be removed meet the 300m², 1ha or 5ha threshold?
<i>Not within specified area</i>		



Not listed: No BA required

Example 4

Farmer intends to clear an area of vegetation of 11ha (110 000m²). The entire area to be cleared does not meet the definition of indigenous vegetation (*100% infested with Black Wattle and other alien species*). This is within one of the geographical areas specified in activity 12 of LN 3 (e.g. *Renosterveld is critically endangered*).

1. Is the size of the area that will be cleared of vegetation 300m ² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
Yes, it meets all 3 thresholds. Yes, Renosterveld is a specified area in LN3 (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the relevant activity cannot be triggered?	4. If the answer to 1 & 2 above is YES, does 75% or more of the vegetation to be cleared meet the definition of indigenous vegetation?	5. If the answer to 4 is NO, will the indigenous vegetation to be removed meet the 300m ² , 1ha or 5ha threshold?
	Not applicable. No indigenous vegetation on the site.	Not applicable. No indigenous vegetation on the site.



Not listed: No BA required

Example 5



Farmer intends to clear an area of vegetation of 322m². 80% of the entire area to be cleared meets the definition of indigenous vegetation (*although VERY heavily infested with aliens*). 20% of the area to be cleared does not meet the definition of indigenous vegetation. This is within one of the geographical areas specified in activity 12 of LN 3 (e.g. Renosterveld is critically endangered).

1. Is the size of the area that will be cleared of vegetation 300m ² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
Yes, 322m ² Yes, Renosterveld is a specified area in LN (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the relevant activity cannot be triggered?	4. If the answer to 1 & 2 above is YES, does 75% or more of the vegetation to be cleared meet the definition of indigenous vegetation?	5. If the answer to 4 is NO, will the indigenous vegetation to be removed meet the 300m ² , 1ha or 5ha threshold?
	Yes - 80% (258m ²) of this area to be cleared meets this definition.	



Activity 12 of LN 3 triggered: BA required

Example 6



Farmer intends to clear an area of vegetation of 18ha (180 000m²). 33.3% (6ha) of the entire area to be cleared meets the definition of indigenous vegetation (*although VERY heavily infested with aliens*). 66.6% (12ha) of the area to be cleared does not meet the definition of indigenous vegetation. This is within one of the geographical areas specified in activity 12 of LN 3 (e.g. *Renosterveld is critically endangered*).

1. Is the size of the area that will be cleared of vegetation 300m² or more, 1ha or more OR 5ha or more? 2. Is it in one of the specified areas relevant to the listed activity?		
Yes, 180 000m ² . Yes, Renosterveld is a specified area in LN (for the relevant province)		
3. If the answer to either 1 or 2 above is NO, the relevant activity cannot be triggered?	4. If the answer to 1 & 2 above is YES, does 75% or more of the vegetation to be cleared meet the definition of indigenous vegetation?	5. If the answer to 4 is NO, will the indigenous vegetation to be removed meet the 300m², 1ha or 5ha threshold?
	No – Only 33.3% (6ha) of this area to be cleared meets this definition.	Yes this is in fact 20X the threshold of 300m ² .



Activity 12 of LN 3 triggered: BA required
Check applicability of activities 13 and 14
as both thresholds are also met.

BAR required for the 6ha area under consideration and NOT the entire 18ha.

LN 3 - Activity 15:	Interpretation:
The construction of facility, infrastructure or structures of any size for any form of aquaculture.	<ul style="list-style-type: none"> Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity

	<p>thereof to such an identified geographical area.</p> <ul style="list-style-type: none"> • No thresholds are prescribed for this activity, meaning that any such construction will trigger this activity.
LN 3 - Activity 16:	Interpretation:
<p>The construction of:</p> <ol style="list-style-type: none"> jetties exceeding 10 square metres in size; slipways exceeding 10 square metres in size; buildings with a footprint exceeding 10 square metres in size; or infrastructure covering 10 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This activity excludes the replacement of like with like on exactly the same footprint. • The demolition of jetties, slipways, buildings or infrastructure and the consequent redevelopment of thereof falls outside the definition of construction, as long as this will be redeveloped within the same footprint • Even if such activities is proposed within an identified geographical area, if this is outside a watercourse or further away than 32 metres of a watercourse, measured from the edge of a watercourse, this activity will not be triggered. • This excludes such construction that occurs behind the development setback line.
LN 3 - Activity 17:	Interpretation:
<p>The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This excludes the expansion of reservoirs where the increase of capacity (added capacity) is less than 250 cubic metres. • This excludes the expansion of reservoirs where the increase of capacity (added capacity) is exactly 250 cubic metres. • This includes the expansion of reservoirs where the increase of capacity (added capacity) is more than 250 cubic metres.

LN 3 - Activity 18:	Interpretation:
<p>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • The size of increased footprint has no relevance to the applicability of this activity. The trigger is expansion (as defined in this listing notice). • This includes the expansion of caravan parks. • This activity excludes the replacement of like with like on exactly the same footprint. • This activity can only be triggered in an event where such a facility would be expanded. The expansion of an existing structure (such as the upgrading of an existing house for the purposes of the guest houses) or facility not defined as a resort, lodge or other tourism accommodation facility, will not trigger this activity irrespective the increase of footprint. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion.
LN 3 - Activity 19:	Interpretation:
<p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • The lengthening of an existing road is not deemed construction and must be dealt with as an expansion activity, provided that the 1 kilometre threshold is met. • This activity excludes the replacement of like with like on exactly the same footprint. • This excludes the addition of storm water management systems and e.g. pavements. • Surfacing of a road is neither deemed construction nor expansion.

	<ul style="list-style-type: none"> • The widening of a road by 4 metres is excluded from this activity. • The widening of a road by less than 4 metres is excluded from this activity. • The widening of a road by more than 4 metres is included in this activity. • The lengthening of a road by exactly 1 kilometre is excluded from this activity. • The lengthening of a road by less than 1 kilometre is excluded from this activity. • The lengthening of a road by more than 1 kilometre is included .
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LN 3 - Activity 20:	Interpretation:
The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This excludes the construction of airports, irrespective the size thereof. Refer to Listing Notice 2. • This excludes where the expanded runway or aircraft landing strip will be 1.4km in length or less. • This activity excludes the replacement of like with like on exactly the same footprint. • The widening or extension of runways or aircraft landing strips irrespective the increase of physical footprint or consequent throughput capacity would not trigger this activity. • Demolition and redevelopment of a runway or an aircraft landing strip, outside the existing footprint would trigger construction and not expansion. • The surfacing, hardening or re-surfacing of an existing landing strip or runway does not trigger this activity.

LN 3 - Activity 21:	Interpretation:
The expansion of above ground cableways and funiculars where the development footprint will be increased.	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s).

	<ul style="list-style-type: none"> • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • No thresholds are prescribed for this activity, meaning that the expansion of above ground cableways and funiculars of any size will trigger this activity, provided that this falls within an identified geographical area. • The relocation of an above ground cableway or funicular to another location (even on the same site) will trigger the construction activity in the same listing notice. • This activity excludes the replacement of like with like on exactly the same footprint. • Demolition and redevelopment of a runway or an aircraft landing strip, outside the existing footprint would trigger construction and not expansion. • This excludes foefieslides and zip lines.
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LN 3 - Activity 22:	Interpretation:
<p>The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • No thresholds are prescribed for this activity, meaning that the expansion of such tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles any size will trigger this activity, provided that this falls within an identified geographical area. • It excludes the conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles. • The relocation of such tracks or routes to another location (even on the same site) may trigger the construction activity. • This activity excludes the replacement of like with like on exactly the same footprint. • The expansion of 4X4 tracks are covered under this activity. • The trigger is expansion; it is not the physical activity of racing or riding for pleasure that is listed, but the expansion of the facility for that purpose.

LN 3 - Activity 23:	Interpretation:
<p>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This excludes the expansion of such a facility, where the increased capacity would be less than 30 cubic metres. • This includes the expansion of such a facility, where the increased capacity would be 30 cubic metres exactly. • This includes the expansion of such a facility, where the increased capacity would be more than 30 cubic metres (provided that the increased capacity is less than 80 cubic metres). • This activity excludes the replacement of like with like on exactly the same footprint. • The size of increased footprint has no relevance to the applicability of this activity. The trigger is increase in the capacity of the facility or infrastructure. • Demolition and redevelopment of a facility outside the existing footprint would trigger construction and not expansion. • Relocation of tanks within the existing footprint of the facility (e.g. tank farm) does not trigger this activity. • Not all tanks or containers are expanded for the primary purpose of storage. In this regard such a facility expanded for e.g. <i>leaching purposes, galvanizing, acid baths or mixing of chemicals as part of the process is excluded from this activity.</i> • This activity includes either above or underground storage or a combination thereof. • Even in the event where a dangerous good is not specifically mentioned in the SANS code, it (this blend or mixture) may cause such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, meaning that it falls within the definition of a dangerous good AND authorization will be required if the cubic metres thresholds are met.
LN 3 - Activity 24:	Interpretation:
<p>The expansion of :</p> <p>i. jetties where the jetty will be expanded by 10 square metres in size or more;</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific

<p>ii. slipways where the slipway will be expanded by 10 square metres or more;</p> <p>iii. buildings where the buildings will be expanded by 10 square metres or more in size;</p> <p>iv. infrastructure where the infrastructure will be expanded by 10 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s).</p> <ul style="list-style-type: none"> • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • This activity excludes the replacement of like with like on exactly the same footprint. • Even if such expansion activities is proposed within an identified geographical area, if this is outside a watercourse or further away than 32 metres of a watercourse, measured from the edge of a watercourse, this activity will not be triggered. • This excludes expansion behind the development setback line. • Expansions of activities identified in 24(a)–(d) of less than 10 square meters are excluded. • The increase of height of existing structures where there will not be an increased development footprint will not trigger this activity. • If a structure is situated partially or wholly within the water course, consider 23m².
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LN 3 - Activity 25	Interpretation:
<p>The expansion of facilities, infrastructure or structures of any size of any form of aquaculture.</p>	<ul style="list-style-type: none"> • Environmental authorisation for this activity is required in an event where this activity is proposed within an identified geographical area only. Geographical areas are province specific and the exclusion of this activity in 1 or more province does not necessarily imply that authorisation is not required in another province(s). • In an event where such an activity falls outside an identified geographical area, this activity cannot be triggered, irrespective the sensitivity of the receiving environment or close proximity thereof to such an identified geographical area. • No thresholds are prescribed for this activity, meaning that any expansion will trigger this activity.

LN 3 - Activity 26	Interpretation:
<p>Phased activities for all activities listed in this Schedule and as it applies to a specific geographical area, which commenced on or after the effective date of this Schedule, where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>	<ul style="list-style-type: none"> • This activity applies activities, which commenced on or after the effective date of this Schedule, where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold. • Any activity undertaken prior to 02 August 2010 will not apply in this case.

ADDENDUM**Similar Listings & Newly listed activities:
Transitional Arrangements GNR 543**

The following Sub-regulations of GNR 543 have reference:

- Regulation 74(1): *"An application submitted in terms of the previous ECA regulations and which is pending when these regulations take effect, must despite the repeal of those regulations be dispensed with in terms of those previous regulations as if those previous regulations were not repealed".*
- Regulation 74(2): *"If a situation arises where activities listed under the previous ECA Notices that are not listed similarly under the current lists of activities and competent authorities identified in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and where a decision on an application submitted under the previous ECA regulations is still pending, the competent authority will consider such application to be withdrawn".*
- Regulation 74(3): *"Where an application submitted in terms of the previous ECA regulations is pending in relation to an activity of which a component of the same activity was not listed under the previous ECA Notices, but is now listed in terms of section 24(2) of the Act, the competent authority must dispense of such application in terms of those previous ECA regulations and may authorise the activity listed in terms of section 24(2) as if it was applied for, on condition that all impacts of the newly listed activity and requirements of these regulations have also been considered and adequately assessed by the applicant".*
- Regulation 76(1): *"An application submitted in terms of the previous NEMA regulations and which is pending when these regulations take effect, must despite the repeal of those regulations be dispensed with in terms of those previous NEMA regulations as if those previous NEMA regulations were not repealed".*
- Regulation 76(2): *"If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the*

National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.

- Regulation 76(3) : *“Where an application submitted in terms of the previous NEMA regulations, is pending in relation to an activity of which a component of the same activity was not listed under the previous NEMA Notices, but is now listed in terms of section 24(2) of the Act, the competent authority must dispense of such application in terms of the previous NEMA regulations and may authorise the activity listed in terms of section 24(2) as if it was applied for, on condition that all impacts of the newly listed activity and requirements of these regulations have also been considered and adequately assessed by the applicant”.*

The above-mentioned sub-regulations have the following implications (Table 1):

Table 1

Activities for which application has been made, but that have not yet been authorised
<ol style="list-style-type: none"> 1. An application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, must despite the repeal of those regulations be dispensed with in terms of those previous regulations, <u>provided that the listed activity(ies) applied for previously are still listed.</u> 2. An application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, is deemed to be withdrawn <u>if the listed activity(ies) applied for is no longer listed.</u> 3. For an application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, of which a component of the same activity was not listed under the previous NEMA Notices, but is now listed, the competent authority may authorise a new listed activity (GNRs 544, 545 and / or 546) <u>on condition that all impacts of the newly listed activity and the requirements of the new regulations have been considered and adequately assessed by the applicant.</u> 4. In some cases the listed activity (ies) applied for are no longer listed in terms of the 2010 EIA Regulations. An environmental authorisation (in terms of the relevant EIA regulations) cannot be issued for an activity previously listed (either the ECA or NEMA) but which is no longer listed. 5. In many cases only a small portion of the activity(ies) initially applied for can be duly considered and authorized <i>(resulting from i.e. the fact that the new listed activities are differently worded and the inclusion of thresholds in the new activities).</i> This has the following implications:

- The environmental decision cannot go beyond the scope of the applicable current listed activity(ies).
- A portion / percentage (small or large) of the activity(ies) previously applied for does not require environmental authorisation and that portion cannot be duly considered and authorised. The environmental authorisation cannot include these portions / percentages. This is explained in the **Diagrams 1 & 2 below simplifying the Scope of the listed activity.**

The above-mentioned sub-regulations have no bearing on applications submitted in terms of Section 24G of the Act. (The relevant transitional provisions relates to BARs and S&EIRs and are for pre-development matters)

Table 2


A. Activities unlawfully commenced with in terms of the relevant EIA regulations


- a. Unlawful commencement of any activity identified in terms of the ECA and NEMA EIA Regulations (2006 and / or 2010) may be rectified in terms of section 24G of NEMA following an application to the relevant competent authority, taking account of the provision set out in transitional provision 12(3) of NEMA, Act No 62 of 2008 which came into effect on the 1 May 2009 and specifically relates to ECA listed activities.
- b. Section 24G of the principal Act applies with the changes required by the context in respect of any activity undertaken in contravention of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), if such activity is a listed activity under the principal Act". Section 12(3) therefore means that:
 - an application for rectification cannot be submitted for an activity unlawfully commenced with in terms of the ECA EIA regulations, if that activity is no longer a listed activity under the principal Act (ie. NEMA); and
 - a competent authority cannot therefore consider and duly authorize an ECA listed activity that is no longer listed in terms of NEMA unless the application for rectification was submitted to the relevant competent authority within the 6 month period between 7 January 2005 and 06 July 2005.
- c. The similar listings below is accordingly applicable in the determination as to whether a new submitted application for rectification can be submitted and duly considered for an activity(ies) unlawfully commencement with in terms of the ECA EIA listed activities. It is imperative to note and understand that the GNR 543 is applicable to such an application for rectification as application is made in terms of the Act and not in terms of the current and or repealed EIA regulations.
- d. An application for rectification correctly submitted previously in terms of Section 24G of the Act but not yet finalized, must despite the fact that such an activity(ies) is no longer listed be finalized in terms of Section 24G of the Act. Such an application is not deemed withdrawn as the application was submitted in terms of NEMA.
- e. For an application for rectification submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, of which a component of the same activity was not listed under the previous NEMA Notices, but is now listed, **the competent authority cannot authorise the new listed activity (GNRs 544, 545 and / or 546).** In this regard there are 2 possible scenario's:
 - Where the newly listed activity was commenced with prior to the enactment date of that listed activity, no environmental authorization is required for that listed activity.

- Where the new listed activity is planned as part of the S24G application, the Environmental Authoristaion subsequent to the application CANNOT authorise the newly listed activity. For the newly listed activity the process in terms of GNR 543 must be followed.
- f. In many cases only a small portion of an ECA unlawful activity can be rectified (*resulting from i.e. the fact that the new listed activities are differently worded and the inclusion of thresholds in the new activities*). This has the following implications:
 - The environmental decision in terms of Section 24G(2)(a) cannot go beyond the scope of the applicable current listed activity(ies).
 - A portion / percentage (small or large) of the unlawful ECA activity will never be legalized. The S24G application cannot include these portions / percentages.
 - The Environmental Decision and or Directive as per Section 24G(2) of NEMA cannot go beyond the scope of Section 12(3) of NEMA. This is explained in the diagram 1 & 2 above.
- g. In some cases a number of ECA listed activities (as part of one development) have been unlawfully commenced, but only a small number of the activities are still listed. For these scenario's:
 - Only the activities still listed may be applied for, fined and duly authorized.
 - The directive in terms of Section 24G(2)(b) can be issued for the ECA unlawful activities that are still listed. i.e. other enforcement tools may be used for the remainder of the activities.


The Environmental Decision and / or Directive as per Section 24G(2) of NEMA cannot go beyond the scope of Section 12(3) of NEMA. This is explained in Diagrams 1 & 2 below:

Diagram 1: Simplifying the Scope of the listed activity:

EIA Regulations Listed Activities	Scope	Example
Scope of listed activity initially applied for	= 	<u>Activity 2(c) of 1182 (ECA2002 May 10)</u> Application for the change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use (application submitted December 2005). Property is 17 ha of which 11 hectares was already transformed and used for industrial purposes (since 1959). The remaining 6 hectares was used for commercial agricultural purposes. The entire 17ha fell in the scope of activity 2(c) of 1182.

Scope of NEMA 2010 listed activity	= 	<p><u>Activity 23(a) of GNR 544:</u></p> <p>Similar listing = <i>The transformation of undeveloped, vacant or derelict land to residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, except where such transformation takes place for linear activities.</i></p> <p><i>11 of the 17 hectares have been transformed more than 50 years ago and only the untransformed 6 hectares can be duly considered and authorized. The RoD cannot authorize the 11 hectares already transformed.</i></p>
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is not always equal to  although it may be very similar.

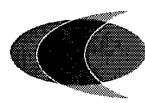




cannot be authorized **as is**, unless



=  exactly

Diagram 2:

Potential Scope of the Environmental Authorisation read with the Transitional Arrangements of GNR 543	
<p>The scope of the environmental authorisation therefore excludes those areas not overlapping & only includes the overlapping area.</p> 	
<p>The scope of the environmental authorisation may go beyond what was applied for on condition that all impacts of the newly listed activity and requirements of these regulations have also been considered and adequately assessed by the applicant</p>	

Principles in using this Addendum


- It is the applicant's and EAP's responsibility to consider the impact of new definitions and changes to existing definitions in the determination of similar listings.
- This document does not replace legal advice in a specific situation governed by legislation.
- The quoted listed activities (below) will not take the place of the any one or more of the published listing notices. Listed activities must be quoted from the relevant GNRs.
- Even in an event where none of the activities in the 3 listing notices are triggered, the proponent and Environmental Assessment Practitioner must take note that the facility or activity may be included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case such an application authorisation is required in terms of the NEMWA. This document does not compare the repealed previous EIA waste related activities with the NEMWA listed activities.
- In most cases the ambit of the activities listed under the 2010 EIA Regulations are smaller compared to those in the 2006 NEMA ECA EIA Regulations and 1997 ECA EIA Regulations.
- Applicants/EAPs should therefore check specific activities against one another to determine any change in the scope of the listing.
- In most cases more than one listed activity was and is triggered. In this regard it always remains the responsibility of the proponent & Environmental assessment Practitioner to consult all three listing notices & to ascertain which activities applicable to the project is excluded and which ones are included.
- Applicants must obtain environmental authorization for all relevant listed activities, not only for the activities initially applied for.
- The similar listing table below serves as a guide to assist proponents, EAPs and the regulating authority in identifying similar listings. The applicability of the similar listing must be assessed and considered individually for each scenario (old application in process).
- Table 6 provides more information with regards to the newly listed activities. It however remains the proponent's responsibility to consult all 3 lists and to accordingly consider the implications thereof on their individual project ventures.

Tables 3, 4 & 5 below clarifies what is meant by a similar listing.

 ECA EIA listed Activities: Applied for between 08 September 1997 and end of day 09 May 2002.

 ECA EIA listed Activities: Applied for between 10 May 2002 and before end of day 02 July 2006.

 NEMA 2006 EIA listed Activities (LN 1): Applied for between 03 July 2006 and end of day 01 August 2010.

 NEMA 2006 EIA listed Activities (LN 2): Applied for between 03 July 2006 and end of day 01 August 2010.

GNR 544 NEMA 2010 EIA listed Activities (LN 1): BAR: on or after 02 August 2010.

GNR 545 NEMA 2010 EIA listed Activities (LN 2): Scoping and Environmental Impact Report: on or after 02 August 2010.

GNR 546 NEMA 2010 EIA listed Activities (LN 1): BAR: on or after 02 August 2010.

Table 3
Similar Listings (ECA 1997 and 2002)

ECA EIA Listed Activities	Activities Similarly listed in terms of the NEMA 2010 Listed Activities
1(a) <i>The construction or upgrading of facilities for commercial electricity generation and supply.</i>	<p><u>Activity 1 of GNR 545</u></p> <p><i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i></p> <p><u>Activity 2 of GNR 545</u></p> <p><i>The construction of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</i></p>
1(a) <i>The construction, erection or upgrading of facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.</i>	<p><u>Activity 8 of GNR 545</u></p> <p><i>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</i></p>

Activity 25 of GNR 545

The expansion of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.

Activity 1 of GNR 544

The construction of facilities or infrastructure for the generation of electricity where:

- i. the electricity output is more than 10 megawatts but less than 20 megawatts; or*
- ii. the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.*

Activity 29 of GNR 544

The expansion of facilities for the generation of electricity where:

- i. the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or*
- ii. regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more;*

Activity 10 of GNR 544:

The construction of facilities or infrastructure for the transmission and distribution of electricity -

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or*
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.*

Activity 38 of GNR 544:

The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.

<p>1(b) The construction or upgrading of nuclear reactors and installations for the productions, enrichment, reprocessing and disposal of nuclear fuels and wastes.</p>	<p><u>Activity 2 of GNR 545</u></p> <p>The construction of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p> <p><u>Activity 25 of GNR 545</u></p>
<p>1(b) The construction, erection or upgrading of nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels and wastes.</p>	<p>The expansion of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p>
<p>1(c) The construction or upgrading of transportation routes and structures, and manufacturing, storage, handling or processing facilities for any substance which is dangerous or hazardous and is controlled by national legislation.</p>	<p><u>Activity 3 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</p> <p><u>Activity 6 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the bulk transportation of dangerous goods –</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day; (ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day; or (iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons day.
<p>1(c) The construction, erection or upgrading of with regard to any substance which is dangerous or hazardous and is controlled by national legislation-</p> <ul style="list-style-type: none"> (i) infrastructure, excluding road and rails, for the transportation of any such substance; and 	<p><u>Activity 10 of GNR 546 (specified geographical areas only):</u></p> <p>The construction of facilities or infrastructure for the storage, or</p>

<p>(ii) manufacturing, storage, handling, treatment or processing facilities for any such substance.</p>	<p>storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p><u>Activity 23 of GNR 546 (specified geographical areas only):</u></p> <p>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</p> <p><u>Activity 13 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</p> <p><u>Activity 42 of GNR 544</u></p> <p>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</p> <p><u>Activity 49 of GNR 544</u></p> <p>The expansion of facilities or infrastructure for the bulk transportation of dangerous goods:</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day; (ii) in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or (iii) in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.
<p>1(d) The construction or upgrading of roads, railways, airfields and associated structures outside the borders of town planning schemes.</p>	<p><u>Activity 7 of GNR 545</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (i) airports, or (ii) runways or aircraft landing strips longer than 1,4 kilometres.

	<p><u>Activity 11 of GNR 545</u></p> <p>The construction of railway lines, stations or shunting yards, excluding -</p> <ul style="list-style-type: none"> (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in a mining area; and (iii) additional railway lines within the reserve of an existing railway line.
<p>1(d) The construction, erection or upgrading of roads, railways, airfields and associated structures.</p>	<p><u>Activity 4 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><u>Activity 8 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of aircraft landing strips and runways shorter than 1,4 kilometres.</p> <p><u>Activity 19 of GNR 546 (specified geographical areas only)</u></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p><u>Activity 20 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.</p> <p><u>Activity 22 of GNR 544</u></p> <p>The construction of a road, outside urban areas,</p> <ul style="list-style-type: none"> (i) with a reserve wider than 13,5 meters or, (ii) where no reserve exists where the road is wider than 8 metres, or (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010. <p><u>Activity 47 of GNR 544</u></p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</p>

	<p>i. where the existing reserve is wider than 13,5 meters; or</p> <p>ii. where no reserve exists, where the existing road is wider than 8 metres –</p> <p>excluding widening or lengthening occurring inside urban areas.</p> <p><u>Activity 50 of GNR 544:</u> The expansion of airports where the development footprint will be increased.</p> <p><u>Activity 53 of GNR 544:</u> The expansion of railway lines, stations or shunting yards where there will be an increased development footprint – excluding: (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in mines; and additional railway lines within the reserve of an existing railway line.</p>
1(e) The construction or upgrading of- marinas, harbours and all structures below the high-water mark of the sea.	<p><u>Activity 14 of GNR 545</u> The construction of an island, anchored platform or any other permanent structure on or along the sea bed.</p> <p><u>Activity 24 of GNR 545</u> Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of: (i) facilities associated with the arrival and departure of vessels and the handling of cargo; (ii) piers; (iii) inter- and sub-tidal structures for entrapment of sand; (iv) breakwater structures; (v) coastal marinas; (vi) coastal harbours or ports; (vii) structures for reclaiming parts of the sea; (viii) tunnels; or</p>

<p>1(e) <i>The construction, erection or upgrading of marinas, harbours and all structures below the high-watermark of the sea and marinas, harbours and associated structures on inland waters.</i></p>	<p>(ix) <i>underwater channels;</i></p> <p><i>but excluding —</i></p> <ol style="list-style-type: none"> <i>activities listed in activity 16 in Notice 544 of 2010,</i> <i>construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;</i> <i>where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or</i> <i>where such construction or earth moving activities takes place for maintenance purposes.</i> <p><u>Activity 14 of GNR 544</u></p> <p><i>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</i></p> <ol style="list-style-type: none"> <i>the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;</i> <i>the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;</i> <i>the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks.</i> <p><u>Activity 43 of GNR 544</u></p> <p><i>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.</i></p> <p><u>Activity 16 of GNR 544</u></p> <p><i>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of —</i></p> <ol style="list-style-type: none"> <i>fixed or floating jetties and slipways;</i> <i>tidal pools;</i> <i>embankments;</i>
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- (iv) rock revetments or stabilising structures including stabilising walls;
- (v) buildings of 50 square metres or more; or
- (vi) infrastructure covering 50 square metres or more –

but excluding


- a. if such construction or earth moving activities will occur behind a development setback line; or
- b. where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- c. where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or

where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 45 of GNR 544

The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

- (i). fixed or floating jetties and slipways;
- (ii). tidal pools;
- (iii). embankments;
- (iv). rock revetments or stabilising structures including stabilising walls;
- (v). buildings by more than 50 square metres;
- (vi). infrastructure by more than 50 square metres;
- (vii). facilities associated with the arrival and departure of vessels and the handling of cargo;
- (viii). piers;
- (ix). inter- and sub-tidal structures for entrapment of sand;
- (x). breakwater structures;
- (xi). coastal marinas;
- (xii). coastal harbours or ports;
- (xiii). structures for draining parts of the sea or estuary;
- (xiv). tunnels; or
- (xv). underwater channels –

	<p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <ol style="list-style-type: none"> behind a development setback line; or within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour. <p><u>Activity 54 of GNR 544</u> The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.</p>
1(f) The construction or upgrading of- cableways and associated structures.	<p><u>Activity 9 of GNR 546 (specified geographical areas only)</u> The construction of above ground cableways and funiculars;</p> <p><u>Activity 21 of GNR 546 (specified geographical areas only)</u> The expansion of above ground cableways and funiculars where the development footprint will be increased.</p>
1(f) The construction, erection or upgrading of above ground cableways and associated structures.	
1(g) The construction or upgrading of- structures associated with communication network, other than telecommunication lines and cables, as well as access roads leading to these structures.	<p><u>Activity 9 of GNR 545: only applicable to  ECA EIA listed Activities:</u> Applied for between 10 May 2002 and before end of day 02 July 2006.</p> <p>The construction of facilities or infrastructure for marine telecommunication.</p> <p><u>Activity 3 of GNR 546 (specified geographical areas only)</u></p>
1(g) The construction, erection or upgrading of structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to	<p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</p> <ol style="list-style-type: none"> is to be placed on a site not previously used for this purpose, and will exceed 15 metres in height,

<p>those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes.</p>	<p>but excluding attachments to existing buildings and masts on rooftops.</p> <p><u>Activity 4 of GNR 546 (specified geographical areas only)</u> The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><u>Activity 19 of GNR 546 (specified geographical areas only)</u> The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p><u>Activity 51 of GNR 544:</u> The expansion of facilities or infrastructure for marine telecommunication where there will be an increased development footprint.</p>
<p>1(h) The construction or upgrading of racing tracks for motor powered vehicles and horse racing excluding indoor tracks.</p>	<p><u>Activity 11 of GNR 546 (specified geographical areas only)</u> The construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.</p>
<p>1(h) The construction, erection or upgrading of racing tracks for motor-powered vehicles and horse racing. But not including indoor tracks.</p>	<p><u>Activity 22 of GNR 546 (specified geographical areas only)</u> The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.</p>
<p>1(i) The construction or upgrading of- canals and channels, including diversions of the normal flow of water in a river bed and water transfer schemes between water catchments and impoundments.</p>	<p><u>Activity 10 of GNR 545:</u> The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</p> <ul style="list-style-type: none"> (i) water catchments, (ii) water treatment works; or (iii) impoundments,
<p>1(i) The construction, erection or upgrading of canals and channels, including structures</p>	<p>excluding treatment works where water is to be treated for drinking purposes.</p>

causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments.

Activity 11 of GNR 544

The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity 39 of GNR 544

The expansion of

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) weirs;
- (v) bulk storm water outlet structures;
- (vi) marinas;

within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.

Activity 40 of GNR 544

The expansion of

- (i) jetties by more than 50 square metres;
- (ii) slipways by more than 50 square metres; or
- (iii) buildings by more than 50 square metres

	<p><i>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line.</i></p> <p><u>Activity 52 of GNR 544</u></p> <p><i>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following:</i></p> <ul style="list-style-type: none"> (i) <i>water catchments;</i> (ii) <i>water treatment works; or</i> (iii) <i>impoundments;</i> <p><i>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.</i></p>
1(j) <i>The construction or upgrading of- dams, levees or weirs affecting the flow of a river.</i>	<p><u>Activity 19 of GNR 545</u></p> <p><i>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</i></p>
1(j) <i>The construction, erection or upgrading of dams, levees and weirs affecting the flow of a river.</i>	<p><u>Activity 12 of GNR 544</u></p> <p><i>The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 19 of Notice 545 of 2010;</i></p> <p><u>Activity 41 of GNR 544</u></p> <p><i>The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50000 cubic metres or more.</i></p> <p><u>Activity 55 of GNR 544</u></p> <p><i>The expansion of a dam where:</i></p> <ul style="list-style-type: none"> (i) <i>the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and</i> (ii) <i>where the height of the wall is increased by 2,5 metres or</i>


	<p>more; or</p> <p>(iii) where the high-water mark of the dam will be increased with 10 hectares or more.</p>
1(k) The construction or upgrading of- reservoirs for public water supply.	<p><u>Activity 19 of GNR 545</u></p> <p>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p>
1(k) The construction, erection or upgrading of reservoirs for public water supply.	<p><u>Activity 2 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.</p> <p><u>Activity 17 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres.</p> <p><u>Activity 55 of GNR 544</u></p> <p>The expansion of a dam where:</p> <p>(i). the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and</p> <p>(ii). where the height of the wall is increased by 2,5 metres or more; or</p> <p>(iii). where the high-water mark of the dam will be increased with 10 hectares or more.</p>
1(l) The construction or upgrading of- schemes for the abstraction or utilization of ground or surface water for bulk supply purposes.	<p><u>Activity 10 of GNR 545:</u></p> <p>The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</p> <p>(i) water catchments,</p> <p>(ii) water treatment works; or</p> <p>(iii) impoundments,</p> <p>excluding treatment works where water is to be treated for drinking purposes.</p> <p><u>Activity 19 of GNR 545</u></p>
1(l) The construction, erection or upgrading of schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes.	

	<p><i>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</i></p> <p><u>Activity 55 of GNR 544</u></p> <p><i>The expansion of a dam where:</i></p> <ul style="list-style-type: none"> (i) <i>the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and</i> (ii) <i>where the height of the wall is increased by 2,5 metres or more; or</i> <p><i>where the high-water mark of the dam will be increased with 10 hectares or more.</i></p> <p><u>Activity 52 of GNR 544</u></p> <p><i>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following:</i></p> <ul style="list-style-type: none"> (i). <i>water catchments;</i> (ii). <i>water treatment works; or</i> (iii). <i>impoundments;</i> <p><i>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.</i></p>
1(m) <i>The construction or upgrading of- public and private resorts and associated infrastructure.</i>	<p><u>Activity 5 of GNR 546 (specified geographical areas only)</u></p> <p><i>The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.</i></p>
1(m) <i>The construction, erection or upgrading of public and private resorts and associated infrastructure.</i>	<p><u>Activity 6 of GNR 546 (specified geographical areas only)</u></p> <p><i>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</i></p> <p><u>Activity 7 of GNR 546 (specified geographical areas only)</u></p> <p><i>The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.</i></p>

	<p><u>Activity 18 of GNR 546 (specified geographical areas only)</u></p> <p><i>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</i></p>
1(n) The construction or upgrading of- sewage treatment plants and associated infrastructure.	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
1(n) The construction, erection or upgrading of sewerage treatment plants and associated infrastructure.	
1(o) The construction or upgrading of- buildings and structures for industrial and military manufacturing and storage of explosives or ammunition or for testing disposal of such explosives or ammunition.	<p>No similar Listing in GNRs 544, 545 and 546 & Regulation 74(2) of GNR 543 accordingly applies.</p> <p><i>"If a situation arises where activities listed under the previous ECA Notices that are not listed similarly under the current lists of activities and competent authorities identified in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and where a decision on an application submitted under the previous ECA regulations is still pending, the competent authority will consider such application to be withdrawn".</i></p>
1(o) The construction, erection or upgrading of 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	
2(c) The change of land use from agricultural or undetermined use of any other land use.	<p><u>Activity 15 of GNR 545:</u></p> <p><i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</i></p>

	<p>except where such physical alteration takes place for:</p> <ul style="list-style-type: none"> (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.
<p>2(c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.</p>	<p><u>Activity 16 of GNR 545:</u> The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</p> <p><u>Activity 24 of GNR 544:</u> The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</p> <p><u>Activity 23 of GNR 544:</u> The transformation of undeveloped, vacant or derelict land to –</p> <ul style="list-style-type: none"> (a) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or (b) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; - <p>except where such transformation takes place –</p> <ul style="list-style-type: none"> (i) for linear activities; or (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.
<p>2(d) The change of land use from use for grazing to any other form of agricultural use.</p>	<p><u>Activity 15 of GNR 545</u> Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</p> <p>except where such physical alteration takes place for:</p> <ul style="list-style-type: none"> (i) linear development activities; or

	<p>(ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p> <p><u>Activity 16 of GNR 545:</u> <i>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</i></p> <p><u>Activity 24 of GNR 544:</u> <i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</i></p> <p><u>Activity 23 of GNR 544:</u> <i>The transformation of undeveloped, vacant or derelict land to –</i> (c) <i>residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or</i> (d) <i>residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -</i> <i>except where such transformation takes place –</i> (iii) <i>for linear activities; or</i> (iv) <i>for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.</i></p>
2(d) The change of land use from use for grazing to any other form of agricultural use	
2(e) The change of land use from use for nature conservation or zoned open space to any other land use.	<p><u>Activity 15 of GNR 545:</u> <i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</i> <i>except where such physical alteration takes place for:</i> (i) <i>linear development activities; or</i> (ii) <i>agriculture or afforestation where activity 16 in this Schedule will apply.</i></p>

	<p><u>Activity 16 of GNR 545:</u> <i>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</i></p>
<p>2(e) <i>The change of land use from use for nature conservation or zoned open space to any other land use.</i></p>	<p><u>Activity 23 of GNR 544:</u> <i>The transformation of undeveloped, vacant or derelict land to –</i> (e) <i>residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or</i> (f) <i>residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -</i> <i>except where such transformation takes place –</i> (v) <i>for linear activities; or</i> (vi) <i>for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.</i></p> <p><u>Activity 24 of GNR 544:</u> <i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</i></p>
<p>3. <i>The concentration of livestock in a confined structure for the purpose of mass commercial production.</i></p>	<p><u>Activity 12 of GNR 545: only applicable to  ECA EIA listed Activities:</u> <i>Applied for between 10 May 2002 and before end of day 02 July 2006.</i></p> <p><i>The construction of facilities, infrastructure or structures for aquaculture of -</i></p>
<p>3. <i>The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture.</i></p>	<p>(i) <i>finfish, crustaceans, reptiles or amphibians where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight);</i> (ii) <i>molluscs where the facility, infrastructure or structures will have a production output of 150000 or more kg per annum (live round weight);</i> (iii) <i>aquatic plants where the facility, infrastructure or structures will</i></p>

have a production output of 200 000 or more kg per annum (live round weight);

excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 13 in this Notice will apply.

Activity 13 of GNR 545: only applicable to the ■ ECA EIA listed Activity: Applied for between 10 May 2002 and before end of day 02 July 2006.

The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output of 100 000 or more kg per annum (live round weight).

Activity 15 of GNR 546 (specified geographical areas only)
Also only applicable to the ■ ECA EIA listed Activity: Applied for between 10 May 2002 and before end of day 02 July 2006.

The construction of facilities, infrastructure or structures of any size for any form of aquaculture.

Activity 4 of GNR 544

The construction of facilities or infrastructure for the concentration of animals for the purpose of commercial production in densities that exceed—

- (i) 20 square metres per large stock unit and more than 500 units, per facility;
- (ii) 8 square meters per small stock unit and;
 - a. more than 1 000 units per facility excluding pigs where (b) will apply;
 - b. more than 250 pigs per facility excluding piglets that are not yet weaned;
- (iii) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months;
- (iv) 3 square metre per rabbit and more than 500 rabbits per facility; or

- (v) 250 square metres per ostrich or emu and more than 50 ostriches or emus per facility; or 2500 square metres per breeding pair.

Activity 31 of GNR 544

The expansion of facilities for the concentration of animals for the purpose of commercial production in densities that will exceed—

- (i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units;
- (ii) 8 square metres per small stock unit, where the expansion will constitute more than:
 - a. 1 000 additional units per facility or more excluding pigs where (b) will apply;
 - b. 250 additional pigs, excluding piglets that are not yet weaned;
- (iii) 30 square metres per crocodile at any level of production where the expansion will constitute an increase in the level of production, excluding crocodiles younger than 6 months;
- (iv) 3 square metre per rabbit where the expansion will constitute more than 500 additional rabbits; or
- (v) 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus; and
- (vi) 2500 square metres per breeding pair, where the facility will be increased by 2500 square metres or more.

Activity 5 of GNR 544

The construction of facilities or infrastructure for the concentration of:

- (i) more than 1 000 poultry per facility situated within an urban area, excluding chicks younger than 20 days
- (ii) more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days,

Activity 32 of GNR 544

The expansion of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by:

- (i) more than 1 000 poultry where the facility is situated within an urban area; or
- (ii) more than 5 000 poultry per facility situated outside an urban area.

Activity 6 of GNR 544

The construction of facilities, infrastructure or structures for aquaculture of:

- (i) finfish, crustaceans, reptiles or amphibians where such facility, infrastructure or structures will have a production output exceeding 20 000 kg but less than 200 000 kg per annum (wet weight);
- (ii) molluscs where such facility, infrastructure or structures will have a production output exceeding 30 000 kg but not exceeding 150 000 kg per annum (wet weight);
- (iii) aquatic plants where such facility, infrastructure or structures will have a production output exceeding 60 000 kg but not exceeding 200 000 kg per annum (wet weight);

excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 7 in this Notice will apply.

Activity 7 of GNR 544

The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output exceeding 50 000 kg but not exceeding 100 000 kg per annum (wet weight).

Activity 33 of GNR 544

The expansion of facilities, infrastructure or structures for aquaculture of-

- (i) finfish, crustaceans, reptiles or amphibians, where the production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more;
- (ii) molluscs where the production output of such facility, infrastructure or structures will be increased by 30 000 (wet weight) or more;
- (iii) aquatic plants where the production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more.

Activity 34 of GNR 544

The expansion of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles,

	amphibians, molluscs and aquatic plants where the production output of such facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.
4. The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.	<u>No similar Listing in GNRs 544, 545 and 546 & Regulation 74(2) of GNR 543 accordingly applies:</u> "If a situation arises where activities listed under the previous ECA Notices that are not listed similarly under the current lists of activities and competent authorities identified in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and where a decision on an application submitted under the previous ECA regulations is still pending, the competent authority will consider such application to be withdrawn ".
4. The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.	
5. The release of any organism outside its natural area of distribution that is to be used for biological pest control.	<u>No similar Listing in GNRs 544, 545 and 546 & Regulation 74(2) of GNR 543 accordingly applies:</u> "If a situation arises where activities listed under the previous ECA Notices that are not listed similarly under the current lists of activities and competent authorities identified in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and where a decision on an application submitted under the previous ECA regulations is still pending, the competent authority will consider such application to be withdrawn ".
5. The release of any organism outside its natural area of distribution that is to be used for biological pest control.	
6. The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.	<u>Activity 25 of GNR 544</u> The release of genetically modified organisms into the environment, where assessment for such release is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
6. The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.	
7. The reclamation of land below the high-water mark of the sea and in inland water including wetlands.	<u>Activity 14 of GNR 545</u> The construction of an island, anchored platform or any other

	<p><i>permanent structure on or along the sea bed.</i></p> <p><u>Activity 24 of GNR 545</u></p> <p><i>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</i></p>
<p>7. <i>The reclamation of land, including wetlands, below the high-water mark of the sea, and in inland waters.</i></p>	<p>(i) <i>facilities associated with the arrival and departure of vessels and the handling of cargo;</i></p> <p>(ii) <i>piers;</i></p> <p>(iii) <i>inter- and sub-tidal structures for entrapment of sand;</i></p> <p>(iv) <i>breakwater structures;</i></p> <p>(v) <i>coastal marinas;</i></p> <p>(vi) <i>coastal harbours or ports;</i></p> <p>(vii) <i>structures for reclaiming parts of the sea;</i></p> <p>(viii) <i>tunnels; or</i></p> <p>(ix) <i>underwater channels;</i></p> <p><i>but excluding —</i></p> <p>a. <i>activities listed in activity 16 in Notice 544 of 2010,</i></p> <p>b. <i>construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;</i></p> <p>c. <i>where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or</i></p> <p>d. <i>where such construction or earth moving activities takes place for maintenance purposes.</i></p> <p><u>Activity 1 of GNR 546 (specified geographical areas only)</u></p> <p><i>The construction of</i></p> <p>(i). <i>jetties exceeding 10 square metres in size;</i></p> <p>(ii). <i>slipways exceeding 10 square metres in size;</i></p> <p>(iii). <i>buildings with a footprint exceeding 10 square metres in size;</i></p> <p><i>or</i></p> <p>(iv). <i>infrastructure covering 10 square metres or more</i></p> <p><i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse,</i></p>

excluding where such construction will occur behind the development setback line.

Activity 24 of GNR 546 (specified geographical areas only)

The expansion of

- a. jetties where the jetty will be expanded by 10 square metres in size or more;
- b. slipways where the slipway will be expanded by 10 square metres or more;
- c. buildings where the buildings will be expanded by 10 square metres or more in size; or
- d. infrastructure where the infrastructure will be expanded by 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity 11 of GNR 544

The construction of:

- (i). canals;
- (ii). channels;
- (iii). bridges;
- (iv). dams;
- (v). weirs;
- (vi). bulk storm water outlet structures;
- (vii). marinas;
- (viii). jetties exceeding 50 square metres in size;
- (ix). slipways exceeding 50 square metres in size;
- (x). buildings exceeding 50 square metres in size; or
- (xi). infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity 39 of GNR 544

- (i). The expansion of

- (ii). canals;
- (iii). channels;
- (iv). bridges;
- (v). weirs;
- (vi). bulk storm water outlet structures;
- (vii). marinas;

within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.

Activity 40 of GNR 544

The expansion of

- (i) jetties by more than 50 square metres;
- (ii) slipways by more than 50 square metres; or
- (iii) buildings by more than 50 square metres

within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line.

Activity 14 of GNR 544

The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding

- (i) the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;
- (ii) the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;
- (iii) the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks.

Activity 43 of GNR 544

The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.

Activity 16 of GNR 544

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –

- (i). fixed or floating jetties and slipways;*
- (ii). tidal pools;*
- (iii). embankments;*
- (iv). rock revetments or stabilising structures including stabilising walls;*
- (v). buildings of 50 square metres or more; or*
- (vi). infrastructure covering 50 square metres or more –*

but excluding

- a) if such construction or earth moving activities will occur behind a development setback line; or*
- b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;*
- c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or*

where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 45 of GNR 544

The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

- (i) fixed or floating jetties and slipways;*
- (ii) tidal pools;*
- (iii) embankments;*
- (iv) rock revetments or stabilising structures including stabilising walls;*
- (v) buildings by more than 50 square metres;*
- (vi) infrastructure by more than 50 square metres;*
- (vii) facilities associated with the arrival and departure of vessels and the handling of cargo;*
- (viii) piers;*

	<p>(ix) inter- and sub-tidal structures for entrapment of sand;</p> <p>(x) breakwater structures;</p> <p>(xi) coastal marinas;</p> <p>(xii) coastal harbours or ports;</p> <p>(xiii) structures for draining parts of the sea or estuary;</p> <p>(xiv) tunnels; or</p> <p>(xv) underwater channels –</p> <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <p>a) behind a development setback line; or</p> <p>b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.</p> <p><u>Activity 18 of GNR 544</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <p>a. is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>b. occurs behind the development setback line.</p> <p><u>Activity 54 of GNR 544</u></p> <p>The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.</p>
8. The disposal of waste in terms of section 20 of	The proponent MUST consider the applicability of inter alia the

the Environment Conservation Act, 1989.	listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.
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.	
9. Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).	<p><u>Activity 5 of GNR 545</u></p> <p>The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p> <p><u>Activity 28 of GNR 544</u></p> <p>The expansion of existing facilities for any process or activity where such expansion will result in the need for a permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>
9. Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).	

Table 4
Similar Listings (NEMA 2006 GNR 386)

NEMA 2006 Listed Activities (Listing Notice 1: GNR 386)	Activities Similarly listed in terms of the NEMA 2010 Listed Activities
<p>1(a) The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the electricity output is more than 10 megawatts but less than 20 megawatts.</p>	<p><u>Activity 1 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where:</p> <ul style="list-style-type: none"> (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare. <p><u>Activity 29 of GNR 544</u></p> <p>The expansion of facilities for the generation of electricity where:</p> <ul style="list-style-type: none"> (i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or (ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more;
<p>1(b) The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of 1 000 tons or more but less than 100 000 tons of ore.</p>	<p><u>Activity 2 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the storage of ore or coal that requires an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act (Act No. 39 of 2004).</p>
<p>1(c) The construction of facilities or infrastructure, including associated structures or infrastructure, for the storage of 250 tons or more but less than 100 000 tons of coal.</p>	<p><u>Activity 2 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the storage of ore or coal that requires an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act (Act No. 39 of 2004).</p>

<p>1(d) The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).</p>	<p><u>Activity 5 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.</p> <p><u>Activity 6 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</p> <p><u>Activity 7 of GNR 546 (specified geographical areas only)</u></p> <p>The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.</p> <p><u>Activity 18 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</p>
<p>1(e) The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose where lawns, playing fields or sports tracks covering an area of more than three hectares, but less than 10 hectares, will be established.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</p>
<p>1(f) The construction of facilities or infrastructure, including associated structures or infrastructure, for sport spectator facilities with the capacity to hold</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of</p>

8 000 spectators or more.	activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn".
1(g) The construction of facilities or infrastructure, including associated structures or infrastructure, for the slaughter of animals with a product throughput of 10 000 kilograms or more per year.	<p><u>Activity 3 of GNR 544</u> The construction of facilities or infrastructure for the slaughter of animals with a product throughput of:</p> <ul style="list-style-type: none"> (i) poultry exceeding 50 poultry per day; or (ii) game and red meat exceeding 6 units per day. <p><u>Activity 30 of GNR 544</u> The expansion of facilities for the slaughter of animals where the daily product throughput will be increased by more than:</p> <ul style="list-style-type: none"> (i) 50 poultry or (ii) 6 units of red meat and game.
1(h) The construction of facilities or infrastructure, including associated structures or infrastructure, for the the concentration of animals for the purpose of duction in densities that exceed - <ul style="list-style-type: none"> (i) 20 square metres per head of cattle and more than 500 head of cattle per facility per year; (ii) eight square meters per sheep and more than 1 000 sheep per facility per year; (iii) eight square metres per pig and more than 250 pigs per facility per year excluding piglets that are not yet weaned; (iv) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months; (v) three square metres per head of 	<p><u>Activity 4 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the concentration of animals for the purpose of commercial production in densities that exceed—</p> <ul style="list-style-type: none"> (i) 20 square metres per large stock unit and more than 500 units, per facility; (ii) 8 square meters per small stock unit and; <ul style="list-style-type: none"> a) more than 1 000 units per facility excluding pigs where (b) will apply; b) more than 250 pigs per facility excluding piglets that are not yet weaned; (iii) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months; (iv) 3 square metre per rabbit and more than 500 rabbits per facility; or (v) 250 square metres per ostrich or emu and more than 50 ostriches or emus per facility; or 2500 square metres per breeding pair.

poultry and more than 250 poultry per facility at any time, excluding chicks younger than 20 days;

(vi) three square metre per rabbit at and more than 250 rabbits per facility at any time; or

(vii) 100 square metres per ostrich and more than 50 ostriches per facility per year or 2500 square metres per breeding pair.

Activity 31 of GNR 544

The expansion of facilities for the concentration of animals for the purpose of commercial production in densities that will exceed—

- (i). 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units;
- (ii). 8 square meters per small stock unit, where the expansion will constitute more than:
 - a. 1 000 additional units per facility or more excluding pigs where (b) will apply;
 - b. 250 additional pigs, excluding piglets that are not yet weaned;
- (iii). 30 square metres per crocodile at any level of production where the expansion will constitute an increase in the level of production, excluding crocodiles younger than 6 months;
- (iv). 3 square metre per rabbit where the expansion will constitute more than 500 additional rabbits; or
- (v).
- (vi). 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus; and
- (vii). 2500 square metres per breeding pair, where the facility will be increased by 2500 square metres or more.

Activity 5 of GNR 544

The construction of facilities or infrastructure for the concentration of:

- (i). more than 1 000 poultry per facility situated within an urban area, excluding chicks younger than 20 days
- (ii). more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days,

Activity 32 of GNR 544

The expansion of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by:

- (i) more than 1 000 poultry where the facility is situated within an urban area; or
- (ii) more than 5 000 poultry per facility situated outside an urban

	area.
1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for aquaculture production, including mariculture and algae farms, with a product throughput of 10 000 kilograms or more per year.	<p><u>Activity 12 of GNR 545:</u></p> <p>The construction of facilities, infrastructure or structures for aquaculture of -</p> <ul style="list-style-type: none"> (i) finfish, crustaceans, reptiles or amphibians where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight); (ii) molluscs where the facility, infrastructure or structures will have a production output of 150 000 or more kg per annum (live round weight); (iii) aquatic plants where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight); <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 13 in this Notice will apply.</p> <p><u>Activity 13 of GNR 545:</u></p> <p>The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output of 100 000 or more kg per annum (live round weight).</p> <p><u>Activity 15 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of facilities, infrastructure or structures of any size for any form of aquaculture.</p> <p><u>Activity 6 of GNR 544</u></p> <p>The construction of facilities, infrastructure or structures for aquaculture of:</p> <ul style="list-style-type: none"> (iv) finfish, crustaceans, reptiles or amphibians where such facility, infrastructure or structures will have a production output exceeding 20 000 kg but less than 200 000 kg per annum (wet weight); (v) molluscs where such facility, infrastructure or structures will

	<p>have a production output exceeding 30 000 kg but not exceeding 150 000 kg per annum (wet weight);</p> <p>(vi) aquatic plants where such facility, infrastructure or structures will have a production output exceeding 60 000 kg but not exceeding 200 000 kg per annum (wet weight);</p> <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 7 in this Notice will apply.</p> <p><u>Activity 7 of GNR 544</u></p> <p>The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output exceeding 50 000 kg but not exceeding 100 000 kg per annum (wet weight).</p> <p><u>Activity 33 of GNR 544</u></p> <p>The expansion of facilities, infrastructure or structures for aquaculture of-</p> <p>(iv) finfish, crustaceans, reptiles or amphibians, where the production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more;</p> <p>(v) molluscs where the production output of such facility, infrastructure or structures will be increased by 30 000 (wet weight) or more;</p> <p>(vi) aquatic plants where the production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more.</p> <p><u>Activity 34 of GNR 544</u></p> <p>The expansion of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the production output of such facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.</p>
1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for agri-industrial purposes, outside areas with an existing land use zoning for industrial	<p><u>Activity 8 of GNR 544:</u></p> <p>The construction of a hatchery or agri-industrial infrastructure outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.</p>

<p>purposes, that cover an area of 1 000 square metres or more.</p>	<p><u>Activity 35 of GNR 544:</u> <i>The expansion of facilities for agri-industrial purposes outside industrial complexes, where the development footprint of the facility will be increased by a 1 000 square metres or more, with the exception of hatcheries, where activity 36 in this Notice applies.</i></p> <p><u>Activity 36 of GNR 544:</u> <i>The expansion of hatcheries, outside industrial complexes, where the development footprint of the hatchery will be increased by 2 000 square metres or more.</i></p>
<p>1(k) The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with -</p> <ul style="list-style-type: none"> (i) an internal diameter of 0,36 metres or more; or (ii) a peak throughput of 120 litres per second or more. 	<p><u>Activity 10 of GNR 545:</u> <i>The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</i></p> <ul style="list-style-type: none"> (i) water catchments, (ii) water treatment works; or (iii) impoundments, <p><i>excluding treatment works where water is to be treated for drinking purposes.</i></p> <p><u>Activity 9 of GNR 544:</u> <i>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</i></p> <ul style="list-style-type: none"> (i). with an internal diameter of 0,36 metres or more; or (ii). with a peak throughput of 120 litres per second or more, <p><i>excluding where:</i></p> <ul style="list-style-type: none"> a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse. <p><u>Activity 37 of GNR 544:</u> <i>The expansion of facilities or infrastructure for the bulk</i></p>

	<p>transportation of water, sewage or storm water where:</p> <ul style="list-style-type: none"> a) the facility or infrastructure is expanded by more than 1000 metres in length; or b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more— <p>excluding where such expansion:</p> <ul style="list-style-type: none"> (i) relates to transportation of water, sewage or storm water within a road reserve; or (ii) where such expansion will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.
<p>1(l) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.</p>	<p><u>Activity 10 of GNR 544:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity -</p> <ul style="list-style-type: none"> (iii) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (iv) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more. <p><u>Activity 38 of GNR 544:</u></p> <p>The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.</p>
<p>1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) Weirs. 	<p><u>Activity 16 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (i) jetties exceeding 10 square metres in size; (ii) slipways exceeding 10 square metres in size; (iii) buildings with a footprint exceeding 10 square metres in size; <p>or</p> <ul style="list-style-type: none"> (iv) infrastructure covering 10 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>

Activity 24 of GNR 546 (specified geographical areas only)

The expansion of

- c. jetties where the jetty will be expanded by 10 square metres in size or more;
- d. slipways where the slipway will be expanded by 10 square metres or more;
- e. buildings where the buildings will be expanded by 10 square metres or more in size; or
- f. infrastructure where the infrastructure will be expanded by 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity 11 of GNR 544

The construction of:

- (i). canals;
- (ii). channels;
- (iii). bridges;
- (iv). dams;
- (v). weirs;
- (vi). bulk storm water outlet structures;
- (vii). marinas;
- (viii). jetties exceeding 50 square metres in size;
- (ix). slipways exceeding 50 square metres in size;
- (x). buildings exceeding 50 square metres in size; or
- (xi). infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity 39 of GNR 544

The expansion of

- (i). canals;
- (ii). channels;

	<p>(iii). bridges; (iv). weirs; (v). bulk storm water outlet structures; (vi). marinas;</p> <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.</p> <p><u>Activity 40 of GNR 544</u> The expansion of (i) jetties by more than 50 square metres; (ii) slipways by more than 50 square metres; or (iii) buildings by more than 50 square metres within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line.</p>
<p>1(n) The construction of facilities or infrastructure, including associated structures or infrastructure, for the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006.</p>	<p><u>Activity 19 of GNR 545</u></p> <p>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p> <p><u>Activity 2 of GNR 546 (specified geographical areas only)</u> The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.</p> <p><u>Activity 17 of GNR 546 (specified geographical areas only)</u> The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres.</p> <p><u>Activity 12 of GNR 544</u> The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 19 of Notice 545 of 2010;</p> <p><u>Activity 41 of GNR 544</u></p>

	<p>The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50000 cubic metres or more.</p> <p><u>Activity 55 of GNR 544</u></p> <p>The expansion of a dam where:</p> <ul style="list-style-type: none"> (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and (ii) where the height of the wall is increased by 2,5 metres or more; or <p>where the high-water mark of the dam will be increased with 10 hectares or more.</p>
1(o) The construction of facilities or infrastructure, including associated structures or infrastructure, for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days.	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
1(p) The construction of facilities or infrastructure, including associated structures or infrastructure, for the temporary storage of hazardous waste.	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
1(q) The construction of facilities or infrastructure, including associated structures or infrastructure, for the landing, parking and maintenance of aircraft including -	<p><u>Activity 7 of GNR 545</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (i) airports, or (ii) runways or aircraft landing strips longer than 1,4 kilometres. <p><u>Activity 8 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of aircraft landing strips and runways shorter than 1,4 kilometres.</p>

<ul style="list-style-type: none"> (ii) unpaved aircraft landing strips shorter than 1,4km; (iii) structures for equipment and aircraft storage; (iv) structures for maintenance and repair; (v) structures for fuelling and fuel storage; and (vi) structures for air cargo handling. 	<p><u>Activity 20 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.</p> <p><u>Activity 50 of GNR 544:</u></p> <p>The expansion of airports where the development footprint will be increased</p>
<p>1(r) The construction of facilities or infrastructure, including associated structures or infrastructure, for the outdoor racing of motor powered vehicles including -</p> <ul style="list-style-type: none"> (i) motorcars; (ii) trucks; (iii) motorcycles; (iv) quad bikes; (v) boats; and (vi) jet skis. 	<p><u>Activity 11 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.</p> <p><u>Activity 22 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.</p>
<p>1(s) The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres;</p>	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
<p>1(t) The construction of facilities or infrastructure, including associated structures or infrastructure, for marinas and the launching of watercraft on inland fresh water systems.</p>	<p><u>Activity 1 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (i) jetties exceeding 10 square metres in size; (ii) slipways exceeding 10 square metres in size; (iii) buildings with a footprint exceeding 10 square metres in size; <p>or</p>

	<p>(iv) <i>infrastructure covering 10 square metres or more</i></p> <p><i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p> <p><u>Activity 24 of GNR 546 (specified geographical areas only)</u></p> <p><i>The expansion of</i></p> <ul style="list-style-type: none"> a) <i>jetties where the jetty will be expanded by 10 square metres in size or more;</i> b) <i>slipways where the slipway will be expanded by 10 square metres or more;</i> c) <i>buildings where the buildings will be expanded by 10 square metres or more in size; or</i> d) <i>infrastructure where the infrastructure will be expanded by 10 square metres or more</i> <p><i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p> <p><u>Activity 11 of GNR 544</u></p> <p><i>The construction of:</i></p> <ul style="list-style-type: none"> (i) <i>canals;</i> (ii) <i>channels;</i> (iii) <i>bridges;</i> (iv) <i>dams;</i> (v) <i>weirs;</i> (vi) <i>bulk storm water outlet structures;</i> (vii) <i>marinas;</i> (viii) <i>jetties exceeding 50 square metres in size;</i> (ix) <i>slipways exceeding 50 square metres in size;</i> (x) <i>buildings exceeding 50 square metres in size; or</i> (xi) <i>infrastructure or structures covering 50 square metres or more</i> <p><i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the</i></p>
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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

	<p>development setback line.</p> <p><u>Activity 39 of GNR 544</u> The expansion of</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) weirs; (v) bulk storm water outlet structures; (vi) marinas; <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.</p> <p><u>Activity 40 of GNR 544</u> The expansion of</p> <ul style="list-style-type: none"> (i). jetties by more than 50 square metres; (ii). slipways by more than 50 square metres; or (iii). buildings by more than 50 square metres <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line.</p>
1(u) The construction of facilities or infrastructure, including associated structures or infrastructure, for above ground cableways and funiculars.	<p><u>Activity 9 of GNR 546 (specified geographical areas only)</u> The construction of above ground cableways and funiculars;</p> <p><u>Activity 21 of GNR 546 (specified geographical areas only)</u> The expansion of above ground cableways and funiculars where the development footprint will be increased.</p>
1(v) The construction of facilities or infrastructure, including associated structures or infrastructure, for advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising	<p><u>Activity 1 of GNR 546 (specified geographical areas only)</u> The construction of billboards exceeding 18 square metres in size outside urban or mining areas or outside industrial complexes.</p>

Control.	
<p>2 Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –</p> <ul style="list-style-type: none"> (a) facilities for the storage of material and the maintenance of vessels; (b) fixed or floating jetties and slipways; (c) tidal pools; (d) embankments; (e) stabilising walls; (f) buildings; or (g) infrastructure. 	<p><u>Activity 14 of GNR 545</u></p> <p>The construction of an island, anchored platform or any other permanent structure on or along the sea bed.</p> <p><u>Activity 24 of GNR 545</u></p> <p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</p> <ul style="list-style-type: none"> (i) facilities associated with the arrival and departure of vessels and the handling of cargo (ii) piers; (iii) inter- and sub-tidal structures for entrapment of sand; (iv) breakwater structures; (v) coastal marinas; (vi) coastal harbours or ports; (vii) structures for reclaiming parts of the sea; (viii) tunnels; or (ix) underwater channels; <p>but excluding –</p> <ul style="list-style-type: none"> a. activities listed in activity 16 in Notice 544 of 2010, b. construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line; c. where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or d. where such construction or earth moving activities takes place for maintenance purposes. <p><u>Activity 16 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (i) jetties exceeding 10 square metres in size; (ii) slipways exceeding 10 square metres in size; (iii) buildings with a footprint exceeding 10 square metres in size;

	<p>or</p> <p>(iv) infrastructure covering 10 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p><u>Activity 24 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of</p> <ol style="list-style-type: none"> jetties where the jetty will be expanded by 10 square metres in size or more; slipways where the slipway will be expanded by 10 square metres or more; buildings where the buildings will be expanded by 10 square metres or more in size; or infrastructure where the infrastructure will be expanded by 10 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p><u>Activity 14 of GNR 544</u></p> <p>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</p> <ol style="list-style-type: none"> the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour; the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies; the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks. <p><u>Activity 43 of GNR 544</u></p> <p>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours</p>
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where there would be no increase in the development footprint or throughput capacity of the port or harbour.

Activity 16 of GNR 544

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –

- (i). fixed or floating jetties and slipways;
- (ii). tidal pools;
- (iii). embankments;
- (iv). rock revetments or stabilising structures including stabilising walls;
- (v). buildings of 50 square metres or more; or
- (vi). infrastructure covering 50 square metres or more –

but excluding

- a) if such construction or earth moving activities will occur behind a development setback line; or
- b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or

where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 45 of GNR 544

The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

- (i) fixed or floating jetties and slipways;
- (ii) tidal pools;
- (iii) embankments;
- (iv) rock revetments or stabilising structures including stabilising

	<p>walls;</p> <p>(v) buildings by more than 50 square metres;</p> <p>(vi) infrastructure by more than 50 square metres;</p> <p>(vii) facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>(viii) piers;</p> <p>(ix) inter- and sub-tidal structures for entrapment of sand;</p> <p>(x) breakwater structures;</p> <p>(xi) coastal marinas;</p> <p>(xii) coastal harbours or ports;</p> <p>(xiii) structures for draining parts of the sea or estuary;</p> <p>(xiv) tunnels; or</p> <p>(xv) underwater channels –</p> <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <p>a) behind a development setback line; or</p> <p>b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.</p> <p><u>Activity 54 of GNR 544</u></p> <p>The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.</p>
<p>3 The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p><u>Activity 24 of GNR 545</u></p> <p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</p> <p>(i). facilities associated with the arrival and departure of vessels and the handling of cargo</p> <p>(ii). piers;</p> <p>(iii). inter- and sub-tidal structures for entrapment of sand;</p> <p>(iv). breakwater structures;</p> <p>(v). coastal marinas;</p> <p>(vi). coastal harbours or ports;</p> <p>(vii). structures for reclaiming parts of the sea;</p>

	<p>(viii). tunnels; or (ix). underwater channels;</p> <p>but excluding —</p> <ol style="list-style-type: none"> a. activities listed in activity 16 in Notice 544 of 2010, b. construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line; c. where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or d. where such construction or earth moving activities takes place for maintenance purposes. <p><u>Activity 17 of GNR 544</u></p> <p>The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback line.</p>
<p>4 The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.</p>	<p><u>Activity 18 of GNR 544</u></p> <ol style="list-style-type: none"> (i) The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from (ii) a watercourse; (iii) the sea; (iv) the seashore; (v) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <ol style="list-style-type: none"> a. is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental

	<p>authority; or</p> <p>b. occurs behind the development setback line.</p>
<p>5 The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p><u>Activity 12 of GNR 546 (specified geographical areas only)</u> The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</p> <p><u>Activity 13 of GNR 546 (specified geographical areas only)</u> The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <ol style="list-style-type: none"> 1. the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list. 2. the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No 544 of 2010. <p><u>Activity 14 of GNR 546 (specified geographical areas only)</u> The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <ol style="list-style-type: none"> 1. purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes; 2. the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list; 3. the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.
<p>6 The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p><u>Activity 14 of GNR 545</u> The construction of an island, anchored platform or any other permanent structure on or along the sea bed.</p> <p><u>Activity 24 of GNR 545</u></p>

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:

- (i) facilities associated with the arrival and departure of vessels and the handling of cargo*
- (ii) piers;*
- (iii) inter- and sub-tidal structures for entrapment of sand;*
- (iv) breakwater structures;*
- (v) coastal marinas;*
- (vi) coastal harbours or ports;*
- (vii) structures for reclaiming parts of the sea;*
- (viii) tunnels; or*
- (ix) underwater channels;*

but excluding —

- a. activities listed in activity 16 in Notice 544 of 2010,*
- b. construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;*
- c. where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or*
- d. where such construction or earth moving activities takes place for maintenance purposes.*

Activity 16 of GNR 544

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of —

- (i). fixed or floating jetties and slipways;*
- (ii). tidal pools;*
- (iii). embankments;*
- (iv). rock revetments or stabilising structures including stabilising walls;*
- (v). buildings of 50 square metres or more; or*
- (vi). infrastructure covering 50 square metres or more —*

but excluding

- a. if such construction or earth moving activities will occur behind a development setback line; or
- b. where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- c. where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or

where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 45 of GNR 544

The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

- (i). fixed or floating jetties and slipways;
- (ii). tidal pools;
- (iii). embankments;
- (iv). rock revetments or stabilising structures including stabilising walls;
- (v). buildings by more than 50 square metres;
- (vi). infrastructure by more than 50 square metres;
- (vii). facilities associated with the arrival and departure of vessels and the handling of cargo;
- (viii). piers;
- (ix). inter- and sub-tidal structures for entrapment of sand;
- (x). breakwater structures;
- (xi). coastal marinas;
- (xii). coastal harbours or ports;
- (xiii). structures for draining parts of the sea or estuary;
- (xiv). tunnels; or
- (xv). underwater channels –

where such expansion will result in an increase in the development footprint of such facilities

but excluding where such expansion occurs:

- a. behind a development setback line; or
- b. within existing ports or harbours where there will be no

	<p>increase in the development footprint or throughput capacity of the port or harbour.</p> <p><u>Activity 18 of GNR 544</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <ul style="list-style-type: none"> (i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (ii) occurs behind the development setback line. <p><u>Activity 54 of GNR 544</u></p> <p>The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.</p>
<p>7 The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.</p>	<p><u>Activity 3 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</p> <p><u>Activity 10 of GNR 546 (specified geographical areas only):</u></p> <p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p><u>Activity 23 of GNR 546 (specified geographical areas only):</u></p>

	<p><i>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</i></p> <p><u>Activity 13 of GNR 544</u></p> <p><i>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</i></p> <p><u>Activity 42 of GNR 544</u></p> <p><i>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</i></p>
10 The establishment of cemeteries.	<p><u>Activity 21 of GNR 544</u></p> <p><i>The establishment of cemeteries of 2500 square metres or more in size.</i></p> <p><u>Activity 46 of GNR 544</u></p> <p><i>The expansion of cemeteries by an additional 2500 square metres or more.</i></p>
11 The decommissioning of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of more than 10 hectares.	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p><i>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority</i></p>

	will consider such application to be withdrawn".
<p>12 The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	<p><u>Activity 15 of GNR 545:</u> Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</p> <p>except where such physical alteration takes place for:</p> <p>(i) linear development activities; or</p> <p>(ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p> <p><u>Activity 16 of GNR 545:</u> The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</p> <p><u>Activity 14 of GNR 546 (specified geographical areas only)</u> The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <ol style="list-style-type: none"> 1. purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes; 2. the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list; 3. the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.
<p>13 The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>"If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National</p>

	<p><i>Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn".</i></p>
<p>14 The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding -</p> <p>(a) masts of 15 metres and lower exclusively used</p> <p>(ii) by radio amateurs; or</p> <p>(iii) for lighting purposes</p> <p>(b) flag poles; and</p> <p>(c) lightning conductor poles.</p>	<p><u>Activity 3 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</p> <p>a. is to be placed on a site not previously used for this purpose, and</p> <p>b. will exceed 15 metres in height,</p> <p>but excluding attachments to existing buildings and masts on rooftops.</p>
<p>15 The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.</p>	<p><u>Activity 4 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><u>Activity 19 of GNR 546 (specified geographical areas only)</u></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p><u>Activity 22 of GNR 544</u></p> <p>The construction of a road, outside urban areas,</p> <p>(i). with a reserve wider than 13,5 meters or,</p> <p>(ii). where no reserve exists where the road is wider than 8 metres, or</p> <p>(iii). for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.</p> <p><u>Activity 47 of GNR 544</u></p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres -</p>

<p>16 The transformation of undeveloped, vacant or derelict land to –</p> <p>(g) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or</p> <p>(h) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.</p>	<p>excluding widening or lengthening occurring inside urban areas.</p> <p><u>Activity 15 of GNR 545:</u></p> <p>Physical alteration of undeveloped, vacant or derelict land residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more</p> <p>except where such physical alteration takes place for:</p> <p>(i) linear development activities; or</p> <p>(ii) agriculture or afforestation where activity 16 in this Scheme will apply.</p> <p><u>Activity 16 of GNR 545:</u></p> <p>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 5 hectares or more.</p> <p><u>Activity 23 of GNR 544:</u></p> <p>The transformation of undeveloped, vacant or derelict land to –</p> <p>(i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares; or</p> <p>(j) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the area to be transformed is bigger than 1 hectare but less than 20 hectares; -</p> <p>except where such transformation takes place –</p> <p>(vii) for linear activities; or</p> <p>(viii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.</p>
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<p>17 Phased activities where any one phase of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>	<p>Activity 56 of GNR 544 & activity 26 of GNR 546 lists phased activities (phasing of activities where the at least 1 phase of a listed activity commenced after enactment of GNRs 544 and 546).</p> <p>Although phased activities (GNR 544 and GNR 546) cannot for the purposes of this table be defined as a similar activity, the proponent EAP and Regulating authority must consider the applicability of all the expansion activities (GNR 544, 545 & 546). Should the expansion activity be triggered (refer to phased development activity applied for in terms of GNR 386), Activity 17 of GNR 386 will be deemed to be a similar listing to the expansion activity.</p>
<p>18 The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.</p>	<p>No similar Listing in GNRs 544, 545 and 546 & <u>Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p><i>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</i></p>

<p>19 The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</p>
<p>20 The transformation of an area zoned for use as public open space or for a conservation purpose to another use.</p>	<p><u>Activity 24 of GNR 544:</u></p> <p>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</p>
<p>21 The release of genetically modified organisms into the environment in instances where assessment is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	<p><u>Activity 25 of GNR 544</u></p> <p>The release of genetically modified organisms into the environment, where assessment for such release is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>

<p>22 The release of any organism outside its natural area of distribution that is to be used for biological pest control.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p><i>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</i></p>
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23 The decommissioning of existing facilities or infrastructure, other than facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, for

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- (i) electricity generation;
- (ii) nuclear reactors and storage of nuclear fuel;
- (iii) industrial activities where the facility or the land on which it is located is contaminated or has the potential to be contaminated by any material which may place a restriction on the potential to re-use the site for a different purpose;
- (iv) the disposal of waste;
- (v) the treatment of effluent, wastewater and sewage with an annual throughput capacity of 15 000 cubic metres or more;
- (vi) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or
- (vii) the recycling, handling, temporary storage or treatment of hazardous waste.

Activity 27 of GNR 544

The decommissioning of existing facilities or infrastructure, for -

- (viii) electricity generation with a threshold of more than 10MW;
- (ix) electricity transmission and distribution with a threshold of more than 132kV;
- (x) nuclear reactors and storage of nuclear fuel;
- (xi) activities, where the facility or the land on which it is located is contaminated ;
- (xii) storage, or storage and handling, of dangerous goods of more than 80 cubic metres;

but excluding any facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No 543 of 2010.

<p>24 The recommissioning or use of any facility or infrastructure, excluding any facility or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, after a period of two years from closure or temporary closure, for -</p> <p>(a) electricity generation;</p> <p>(b) nuclear reactors and nuclear fuel storage; or</p> <p>(c) facilities for any process or activity, which require permission, authorisation, or further authorisation, in terms of legislation governing the release of emissions, pollution, effluent or waste prior to the facility being recommissioned.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</p> <p>The proponent MUST consider NEMWA and NEMAQA</p>
<p>25 The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of emissions, pollution, effluent.</p>	<p><u>Activity 28 of GNR 544</u></p> <p>The expansion of existing facilities for any process or activity where such expansion will result in the need for a permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>

Table 5
Similar Listings (NEMA 2006 GNR 387)

NEMA 2006 Listed Activities (Listing Notice 2: GNR 387)	Activities Similarly listed in terms of the NEMA 2010 Listed Activities
<p>1(a) The construction of facilities or infrastructure, including associated</p>	<p><u>Activity 1 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the generation of</p>

<p>structures or infrastructure, for the generation of electricity where –</p> <p>(i) the electricity output is 20 megawatts or more; or</p> <p>(ii) the elements of the facility cover a combined area in excess of 1 hectare;</p>	<p>electricity where the electricity output is 20 megawatts or more.</p> <p><u>Activity 1 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where:</p> <p>(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or</p> <p>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.</p> <p><u>Activity 29 of GNR 544</u></p> <p>The expansion of facilities for the generation of electricity where:</p> <p>(i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or</p> <p>(ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more;</p>
<p>1(b) The construction of facilities or infrastructure, including associated structures or infrastructure, for nuclear reaction including the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and waste.</p>	<p><u>Activity 2 of GNR 545</u></p> <p>The construction of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p> <p><u>Activity 25 of GNR 545</u></p> <p>The expansion of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p>
<p>1(c) The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1 000 cubic metres or more at any one location or site including the storage of one or more dangerous goods,</p>	<p><u>Activity 3 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</p> <p><u>Activity 10 of GNR 546 (specified geographical areas only):</u></p>

<p>in a tank farm.</p>	<p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p><u>Activity 23 of GNR 546 (specified geographical areas only):</u></p> <p>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</p> <p><u>Activity 13 of GNR 544</u></p> <p>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</p> <p><u>Activity 42 of GNR 544</u></p> <p>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</p>
<p>1(d) The construction of facilities or infrastructure, including associated structures or infrastructure, for the refining of gas, oil and petroleum products.</p>	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
<p>1(e) The construction of facilities or infrastructure, including associated structures or infrastructure, for any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006.</p>	<p><u>Activity 5 of GNR 545</u></p> <p>The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>
<p>1(f) The construction of facilities or</p>	<p>The proponent MUST consider the applicability of inter alia the</p>

<p>infrastructure, including associated structures or infrastructure, for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 50 tons or more daily average measured over a period of 30 days.</p>	<p>listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
<p>1(g) The construction of facilities or infrastructure, including associated structures or infrastructure, for the use, recycling, handling, treatment, storage or final disposal of hazardous waste.</p>	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
<p>1(h) The construction of facilities or infrastructure, including associated structures or infrastructure, for the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</p>
<p><u>03 July 2006 – end of day 08 October 2009</u></p> <p>1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for the extraction or processing of natural gas including gas from landfill sites.</p> <p><u>09 October 2009 - onwards</u></p> <p>1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for the extraction or processing of natural gas</p>	<p><u>Activity 4 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products with an installed capacity of 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</p> <p><u>Activity 29 of GNR 544</u></p> <p>The expansion of facilities for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the</p>

<p>excluding gas from landfill sites.</p>	<p>facility will be increased by 50 cubic metres or more, excluding facilities for the refining, extraction or processing of gas from landfill sites.</p>
<p>1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day.</p>	<p><u>Activity 6 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the bulk transportation of dangerous goods –</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day; (ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day; or (iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons day. <p><u>Activity 9 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of above ground cableways and funiculars;</p> <p><u>Activity 21 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of above ground cableways and funiculars where the development footprint will be increased.</p> <p><u>Activity 49 of GNR 544</u></p> <p>The expansion of facilities or infrastructure for the bulk transportation of dangerous goods:</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day; (ii) in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or (iii) in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.
<p>1(k) The construction of facilities or infrastructure, including associated structures or infrastructure, for the landing, parking and maintenance of aircraft, excluding unpaved landing strips shorter</p>	<p><u>Activity 7 of GNR 545</u></p> <p>The construction of</p> <ul style="list-style-type: none"> (iii) airports, or (iv) runways or aircraft landing strips longer than 1,4 kilometres.

<p>than 1,4 kilometres in length, but including</p> <p>–</p> <ul style="list-style-type: none"> (i) airports; (ii) runways; (iii) waterways; or (iv) structures for engine testing. 	<p><u>Activity 8 of GNR 546 (specified geographical areas only)</u></p> <p>The construction of aircraft landing strips and runways shorter than 1,4 kilometres.</p> <p><u>Activity 20 of GNR 546 (specified geographical areas only)</u></p> <p>The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.</p> <p><u>Activity 50 of GNR 544:</u></p> <p>The expansion of airports where the development footprint will be increased.</p>
<p>1(l) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.</p>	<p><u>Activity 8 of GNR 545</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p> <p><u>Activity 10 of GNR 544:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity -</p> <ul style="list-style-type: none"> (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more. <p><u>Activity 38 of GNR 544:</u></p> <p>The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.</p>
<p>1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for marine telecommunications.</p>	<p><u>Activity 9 of GNR 545</u></p> <p>The construction of facilities or infrastructure for marine telecommunication.</p> <p><u>Activity 51 of GNR 544:</u></p> <p>The expansion of facilities or infrastructure for marine</p>

	telecommunication where there will be an increased development footprint.
1(n) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day.	<p><u>Activity 10 of GNR 545:</u></p> <p>The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</p> <ul style="list-style-type: none"> (i) water catchments, (ii) water treatment works; or (iii) impoundments, <p>excluding treatment works where water is to be treated for drinking purposes.</p> <p><u>Activity 52 of GNR 544</u></p> <p>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following:</p> <ul style="list-style-type: none"> (i). water catchments; (ii). water treatment works; or (iii). impoundments; <p>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.</p>
1(o) The construction of facilities or infrastructure, including associated structures or infrastructure, for the final disposal of general waste covering an area of 100 square metres or more or 200 cubic metres or more of airspace.	The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.
1(p) The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more.	The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.
1(q) The construction of facilities or infrastructure, including associated	The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if

<p>structures or infrastructure, for the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue.</p>	<p>thresholds are met contains a similar listing.</p>
<p>1(r) The construction of facilities or infrastructure, including associated structures or infrastructure, for the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent.</p>	<p>The proponent MUST consider the applicability of inter alia the listed activities as provided for in the NEMWA. NEMWA, if thresholds are met contains a similar listing.</p>
<p>1(s) The construction of facilities or infrastructure, including associated structures or infrastructure, for rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including –</p> <ul style="list-style-type: none"> (i) railway lines; (ii) stations; or (iii) shunting yards. 	<p><u>Activity 11 of GNR 545</u></p> <p>The construction of railway lines, stations or shunting yards, excluding -</p> <ul style="list-style-type: none"> (i). railway lines, shunting yards and railway stations in industrial complexes or zones; (ii). underground railway lines in a mining area; and (iii). additional railway lines within the reserve of an existing railway line. <p><u>Activity 53 of GNR 544:</u></p> <p>The expansion of railway lines, stations or shunting yards where there will be an increased development footprint – excluding:</p> <ul style="list-style-type: none"> (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in mines; and <p>additional railway lines within the reserve of an existing railway line.</p>
<p>1(t) The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.</p>	<p><u>No similar Listing in GNRs 544, 545 and 546 & Regulation 76(2) of GNR 543 accordingly applies:</u></p> <p>“If a situation arises where activities, listed under the previous NEMA Notices, are not listed similarly under the current lists of activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National</p>

	<p><i>Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn”.</i></p>
<p>2. Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.</p>	<p><u>Activity 15 of GNR 545:</u> <i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</i></p> <p><i>except where such physical alteration takes place for:</i></p> <ul style="list-style-type: none"> (i) <i>linear development activities; or</i> (ii) <i>agriculture or afforestation where activity 16 in this Schedule will apply.</i> <p><u>Activity 16 of GNR 545:</u> <i>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</i></p> <p><u>Activity 24 of GNR 544:</u> <i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</i></p>
<p>3. The construction of filling stations, including associated structures and infrastructure, or any other facility for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin.</p>	<p><u>Activity 3 of GNR 545</u></p> <p><i>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</i></p> <p><u>Activity 10 of GNR 546 (specified geographical areas only):</u></p> <p><i>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p>

	<p><u>Activity 23 of GNR 546 (specified geographical areas only):</u></p> <p><i>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</i></p> <p><u>Activity 13 of GNR 544</u></p> <p><i>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</i></p> <p><u>Activity 42 of GNR 544</u></p> <p><i>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</i></p>
4. The extraction of peat.	<p><u>Activity 17 of GNR 545</u></p> <p><i>The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils.</i></p>
<p>5. The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before the publication of this notice and which has not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, where –</p> <p>a. it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of</p>	<p><u>Activity 18 of GNR 545</u></p> <p><i>The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before 03 July 2006 and which have not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 or 2009, made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006,—</i></p> <p>(i) <i>it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);</i></p> <p>(ii) <i>it is a road administered by a provincial authority;</i></p> <p>(iii) <i>the road reserve is wider than 30 metres; or</i></p> <p>(iv) <i>the road will cater for more than one lane of traffic in both directions.</i></p>

<p>1998);</p> <p>b. it is a road administered by a provincial authority;</p> <p>c. the road reserve is wider than 30 metres; or</p> <p>d. the road will cater for more than one lane of traffic in both directions.</p>	
<p>6. The construction of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p>	<p><u>Activity 19 of GNR 545</u></p> <p>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p> <p><u>Activity 55 of GNR 544</u></p> <p>The expansion of a dam where:</p> <p>(i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and</p> <p>(ii) where the height of the wall is increased by 2,5 metres or more; or</p> <p>where the high-water mark of the dam will be increased with 10 hectares or more.</p>
<p>9. Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, excluding an activity listed in item 2 of Government Notice No. R. 386 of 2006 but including construction or earth moving activities in respect of –</p> <p>a. facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>b. piers;</p> <p>c. inter- and sub-tidal structures for entrapment of sand;</p> <p>d. breakwater structures;</p> <p>e. rock revetments and other stabilising structures;</p> <p>f. coastal marinas;</p>	<p><u>Activity 14 of GNR 544</u></p> <p>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</p> <p>(i). the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;</p> <p>(ii). the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;</p> <p>(iii). the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks.</p> <p><u>Activity 43 of GNR 544</u></p> <p>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square</p>

- g. coastal harbours;*
- h. structures for draining parts of the sea;*
- i. tunnels; or*
- j. underwater channels.*

metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.

Activity 16 of GNR 544

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –

- (i) fixed or floating jetties and slipways;*
- (ii) tidal pools;*
- (iii) embankments;*
- (iv) rock revetments or stabilising structures including stabilising walls;*
- (v) buildings of 50 square metres or more; or*
- (vi) infrastructure covering 50 square metres or more –*

but excluding

- a. if such construction or earth moving activities will occur behind a development setback line; or*
- b. where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;*
- c. where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or*

where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 45 of GNR 544

The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

- (i). fixed or floating jetties and slipways;*
- (ii). tidal pools;*
- (iii). embankments;*
- (iv). rock revetments or stabilising structures including stabilising walls;*
- (v). buildings by more than 50 square metres;*

	<p>(vi). infrastructure by more than 50 square metres;</p> <p>(vii). facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>(viii). piers;</p> <p>(ix). inter- and sub-tidal structures for entrapment of sand;</p> <p>(x). breakwater structures;</p> <p>(xi). coastal marinas;</p> <p>(xii). coastal harbours or ports;</p> <p>(xiii). structures for draining parts of the sea or estuary;</p> <p>(xiv). tunnels; or</p> <p>(xv). underwater channels –</p> <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <p>a) behind a development setback line; or</p> <p>b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.</p>
10. Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).	<p>Activity 26 of GNR 544</p> <p>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>

Table 6 provides more information with regards to the newly listed activities. It remains the proponent's responsibility to consult all 3 lists and to accordingly consider the implications thereof on their individual project ventures.

Table 6.

NEWLY Listed Activities includes <i>inter alia</i> the following:
<p>Activity 15 of GNR 544:</p> <p>The construction of facilities for the desalination of sea water with a design capacity to produce more than 100 cubic metres of treated water per day.</p>
<p>Activity 44 of GNR 544:</p> <p>The expansion of facilities for the desalination of sea water where the design capacity will be expanded to produce an additional 100 cubic metres or more of treated water per day.</p>

Activity 54 of GNR 545:

The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.

Activity 14 of GNR 545:

The construction of an island, anchored platform or any other permanent structure on or along the sea bed.

Activity 16 of GNR 545:

The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.

Activity 26 of GNR 545:

Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act. No. 39 of 2004), except where Activity 28 in Notice No. R 544 of 2010 applies.

Activity 7 of GNR 546

The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.

List of Legislation Framework**Environment**

National Environmental Management Act, 107 of 1998
Environmental Conservation Act, 73 of 1989
National Environmental Management Waste Act, 59 of 2008
Nature and Environmental Conservation Ordinance, 19 of 1974
Nature Conservation Ordinance, 8 of 1969

Water

National Water Act, 36 of 1998
Water Services Act, 108 of 1997
Water Research Act, 34 of 1971

Air

National Environmental Management Air Quality Act, 39 of 2004
Atmospheric Pollution Prevention Act, 45 of 1965

Biodiversity

National Environmental Management Biodiversity Act, 10 of 2004

Minerals

Mineral and Petroleum Resources Development Act, 28 of 2002

Forest

National Veld and Forest Fires Act, 101 of 1998
National Forests Act, 84 of 1998

Land

Development Facilitation Act, 67 of 1987
Physical Planning Act, 88 of 1967
Northern Cape Advertising on Roads and Ribbon Development Act, 28 of 1952
National Building Regulations and Building Standards Act, 103 of 1977

Agricultural land

Conservation of Agricultural Resources Act, 43 of 1983
Subdivision of Agricultural Land Act, 70 of 1970

Coastal

Dumping at Sea Control Act, 73 of 1980
Antarctic Treaties Act, 60 of 1996
Integrated Coastal Management Act, 24 of 2008
Wreck and Salvage Act, 94 of 1996
Sea and Sea-shore Act, 21 of 1935

Marine Living Resources

Marine Living Resources Act, 18 of 1998
Sea Birds and Seals Protection Act, 46 of 1973
Sea Fishery Act, 12 of 1988

Biological Pest Control

Agricultural Pests Act, 36 of 1983

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 36 of 1947

Heritage Resources

National Heritage Resources Act, 25 of 1999

Nuclear safety

National Nuclear Regulator Act, 47 of 1999

Health

National Health Act, 61 of 2003

Kwa-Zulu Natal Cemeteries and Crematoria Act, 12 of 1996

Hazardous substances/Dangerous Goods

Hazardous Substances Act, 15 of 1973

Species (threatened or protected)

Game Theft Act, 105 of 1991

Animals Protection Act, 24 of 1935

Animal Improvement Act, 62 of 1998

Animal Diseases Act, 35 of 1984

Provincial Parks Board Act (Eastern Cape), 12 of 2003

Genetically modified organisms

Genetically Modified Organisms Act, 15 of 1997

Ordinances

Town-planning and Townships Ordinance, 15 of 1986

Prevention of Environmental Pollution Ordinance, 21 of 1981

Town planning Ordinance, 27 of 1949

Western Cape; North West; Northern Cape Nature Conservation Ordinance, 12 of 1983

Free State Nature Conservation Ordinance, 8 of 1969

Gauteng; North West; Mpumalanga Nature Conservation Ordinance, 12 of 1983

KZN Nature Conservation Ordinance, 29 of 1992

Bophuthatswana Nature Conservation Ordinance (applicable to North West), 3 of 1973

Nature Conservation Act (Ciskei) (applicable to the Eastern Cape), 10 of 1987

Prevention of Environmental Pollution Ordinance, 21 of 1981

Crematorium Ordinance (Limpopo), 8 of 1932

Cremation Ordinance (Eastern Cape), 18 of 1965

Kwa-Zulu Natal Cemeteries and Crematoria Act, 12 of 1996

Exhumations Ordinance (Western Cape), 32 of 2000

Exhumations Act, 4 of 2004

No. 806

10 October 2012

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)**

**PUBLICATION OF ENVIRONMENTAL MANAGEMENT FRAMEWORK GUIDELINE FOR
IMPLEMENTATION**

I, Bomo Edith Edna Molewa, the Minister of Water and Environmental Affairs, hereby publish, in terms of section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998) the Environmental Management Framework Guideline, in the schedule hereto.



BOMO EDITH EDNA MOLEWA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

INTEGRATED ENVIRONMENTAL MANAGEMENT GUIDELINE SERIES (GUIDELINE 6)

ENVIRONMENTAL MANAGEMENT FRAMEWORK REGULATIONS, 2010



ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6

Further titles in this series of guideline documents are being prepared and will be made available periodically. The sequence of release and titles are subject to change.

Guideline Series 1	Environmental Management Co-operation Agreements
Guideline Series 2	NEMA S24G (ECA applications)
Guideline Series 3	NEMA S24G
Guideline Series 4	Strategic Environmental Assessment
Guideline Series 5	Companion to the NEMA EIA Regulations 2010
Guideline Series 6	Environmental Management Framework
Guideline Series 7	Public Participation in the EIA process
Guideline Series 8	Handbook for authorities on handling the appeals in terms of NEMA S43

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These documents are available on the DEA website <http://www.environment.gov.za>.

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**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6**

PREFACE

This document is one of the series of guideline documents on environmental impact management legislation and regulations.

The material in this document is intended to be used as an accompanying document to the NEMA EMF Regulations 2010; it makes available the content of the EMF regulations in laymen's terms.

**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****ACKNOWLEDGEMENTS**

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**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****BACKGROUND**

EMFs are part of the suite of integrated environmental management (IEM) tools that can be used to support informed decisions regarding the management of impacts on the environment that arise out of human activities and developments. In 2010, the Minister of Environmental Affairs passed the Environmental Management Framework Regulations, 2010 (EMF Regulations) in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) which replaced the previous EMF provisions contained in the Environmental Impact Assessment Regulations, 2006.

The purpose of this document is to provide guidance on the compilation of EMFs in terms of the EMF Regulations. It draws on and updates the draft EMF Guidelines which were compiled in 2005 to support the Environmental Impact Assessment Regulations, 2006. While the principles and broad concept of EMFs are often understood, there is less understanding regarding the basic steps, technical processes, the methodology to be adopted, and structure of the final output of the EMF process. This guideline accordingly provides detailed information on the step-by-step process that is required, including the public participation process.



ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6

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**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****ABBREVIATIONS**

BID	Background information document
DEA	Department of Environmental Affairs
DEAT	Department of Environmental Affairs and Tourism
DWA	Department of Water Affairs
EAP	Environmental assessment practitioner
ECA	Environment Conservation Act, Act No. 73 of 1989
EIA	Environmental impact assessment
EMF	Environmental management framework
GIS	Geographic information system
IDP	Integrated Development Plan
I&APs	Interested and affected parties
IEM	Integrated Environmental Management
LDO	Land Development Objective
MEC	Member of the Executive Committee
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
PPP	Public Participation Process



DEFINITIONS / GLOSSARY OF TERMS

Attributes

Environmental attributes means the quality ascribed to an element in the environment that distinguishes it in character, form or nature from other elements in the environment.

Categories

Categories relate to a larger grouping of similar, homogenous baseline information comprised of data features. Typical categories include hydrology, vegetation, geology, soils etc.

Constraint zones

Constraint zones refer to the spatial areas identified in the EMF which illustrate a specific environmental opportunity or constraint towards development pressure.

Management Guidelines

Management guidelines refer to the specific provisions applied in the management of each individual attribute or activity.

Environmental Management Framework (EMF)

The study of the biophysical and socio-cultural systems of a geographically defined area to reveal where specific land-uses may best be practiced and to offer performance standards for maintaining appropriate use of such land.

EMF Regulations

Environmental Management Framework Regulations, 2010 passed in terms of NEMA.

Facet Map

A facet map is also referred to as a 'spaghetti layer'. It is a GIS term to describe the sum and integration of all the baseline information into a single spatial layer.

Features

Features refer to the finer, individual environmental elements that comprise a data category, e.g. Hydrology – *rivers, streams, wetlands, dams, etc.*

Geographical Areas

A logical spatially demarcated area defined by an EMF as being sensitive, requiring specific management intervention to ensure its future environmental integrity.

Management Zones

Management zones refer to a specific demarcated geographical area, represented spatially on a map illustrating a specific sensitive feature which needs to be managed in a pro-active and dedicated way.

MEC

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Member of the Executive Committee to whom the Premier has assigned responsibility for environmental affairs.

Minister

Means the Minister of Water and Environmental Affairs.

Overlay Planning

A spatial planning approach whereby various multiple baseline data sets are overlaid, one on another, and unioned to provide a single facet map.

Project Steering Committee

The development of the EMF is overseen by a Project Steering Committee. The committee should be composed of, as a minimum, the initiator, relevant local, provincial and national regulatory authorities, and additional members with an expertise as deemed appropriate by the aforementioned.

'Spaghetti Layer'

A 'spaghetti layer' is also referred to as a 'facet map'. It is a GIS term to describe the sum and integration of all the baseline information into a single spatial layer.

Trigger / Driver

The trigger or driver is the potential or actual? impact or aspect which has led to the initiation of the EMF, e.g. mining pressure on endangered grassland vegetation types.

Unioned

A GIS term to describe the process of integrating multiple baseline spatial information layers into a single facet map.

**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****1. INTRODUCTION**

Within the context of the development of environmental legislation and associated provisions in South Africa, the environment, and specifically environmental sensitivity, was never adequately and directly integrated into impact management. One of the first attempts was made in the development of the Integrated Environmental Management Guideline Series published by the Department of Environmental Affairs and Tourism in 1992, whereas Guideline 5 made specific reference to sensitive environments. Although it was a step in the right direction the document was merely a guideline and not underpinned by any statutory provisions.

Through the DEAT Law Reform Process of 1997-1998, a major restructuring of South African framework environmental legislative provisions in the country was undertaken. The result was the drafting of the National Environmental Management Act, Act No.107 of 1998, commonly known as NEMA, which was earmarked to replace the Environment Conservation Act, Act No. 73 of 1989 (ECA) over time.

For the first time in South African environmental legislative history, provision was made for environments and specifically sensitive environments in framework legislation (Acts) through the provision for the development of environmental management frameworks.

In April 2006 the Minister of Environmental Affairs and Tourism passed regulations¹ in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). These regulations clearly stipulated the procedure and provisions for undertaking an environmental management framework (EMF). The regulations replaced the environmental impact assessment regulations which were promulgated in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in 1997 and introduced new provisions regarding environmental management frameworks.

The Department of Environmental Affairs (DEA) has produced a series of guidelines to assist potential applicants and interested and affected parties (I&APS) to understand what is required of them and what their role may be. The guidelines are intended to be guides only and should be read in conjunction with NEMA and the regulations. They are not intended to be a substitute for the provisions of NEMA or the regulations in any way. NEMA further provided an introduction to the compilation of EMFs as per Chapter 8 of the 2006 EIA Regulations. The importance of EMFs in the future of impact management in South Africa has further necessitated the strengthening of the statutory provisions for EMFs. The importance of EMFs within the IEM suite of tools has been recognised and the potential for diversifying its application is being emphasised through the elevation of its statutory position within NEMA in the development of 'stand-alone' EMF regulations, which are known as the *Environmental Framework Management Regulations, 2010*.

2. LEGISLATIVE CONTEXTUALISATION

As stipulated earlier, the contextualisation of the EMFs is entrenched in framework legislation. 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:

- 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

¹ Environmental Impact Assessment Regulations, 2006



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activities may not commence without environmental authorisation from the competent authority; and

- 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.

The Minister, and every MEC with the concurrence of the Minister, may compile information and maps that specify the attributes of the environment in particular geographical areas, including sensitivity, extent, interrelationship and significance of such attributes which must be taken into account by every competent authority.

"Section 24 (5) stipulates that the Minister, and every MEC with the concurrence of the Minister, may make regulations consistent with subsection (4)-

(bA) laying down the procedure to be followed for the preparation, evaluation and adoption of prescribed environmental management instruments, including-

- (i) environmental management frameworks"

3. PURPOSE AND OBJECTIVES OF EMFs

3.1 Purpose of EMFs

The EMF Regulations provide that the Minister or MEC, with concurrence of the Minister, may initiate an EMF for an area. EMFs that are adopted by the Minister or MEC must be taken into account in the consideration of applications for environmental authorisation in or affecting the areas to which the EMF applies.

The purpose of the EMF is to function as a support mechanism in the environmental impact assessment process in the evaluation and review of development applications, as well as informing decision making regarding land-use planning applications.

NEMA section 24(3) states that EMFs are to be taken into account by competent authorities and 24(4)(b)(vi) states that they must be used by competent authorities in decisions on applications for environmental authorisations. Regulation 2 indicates that the purpose of EMFs is to inform environmental management in the area and to inform decisions on applications for environmental authorisations. The legislative framework accordingly does not make EMFs binding on decisions that are, for example, processed by local authorities.

Similarly, EMFs provide a vast array of information which becomes useful in a diverse field of environmental application. EMFs provide a compilation of information and maps illustrating attributes of the environment for a specific geographical area. Not only useful for the EIA process but also for other planning processes, such as input into SDF's, IDP's and open space planning applications.

EMFs that have been adopted by the Minister can therefore be used to facilitate the compilation and consideration of applications for environmental authorisation in terms of the regulations. In this regard –

- EMFs provide applicants with an early indication of the areas in which it would be potentially appropriate to undertake an activity;

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- Co-operative government is facilitated through the identification of different regulatory responsibilities and recommending mechanisms for addressing the needs of the relevant authorities; and
- The competent authority has information which will guide and inform decision-making.

In addition to the above, EMFs must be considered in environmental management:

- EMFs can be used as a basis for the Minister or MEC to identify areas where environmental authorisation will be required for certain additional listed activities;
- Where the undertaking of certain activities may be excluded from requiring environmental authorisation; and
- For the co-ordinated management of strategic spatial environmental information about a specific geographic area.

3.2 Objectives

The objectives of an EMF include:

- Support informed and integrated decision-making by making significant and detailed information about an area available before activity proposals are generated;
- Contribute to environmentally sustainable development by anticipating potential impacts and by providing early warnings in respect of thresholds, limits and cumulative impacts, and by identifying already existing impacts to be addressed;
- Support the undertaking of environmental impact assessments in the area by indicating the scope of potential impacts and information needs that may be necessary for environmental impact assessments; and
- Support the process of delineating geographical areas within which additional specified activities are to be identified in terms of NEMA;
- Support the process of delineating geographical areas within which activities listed in terms of NEMA may be excluded by identifying areas that are not sensitive to the potential impacts of such activities.

4. PRINCIPLES AND CONTEXTUALISATION OF EMFs

4.1 Guiding Principles for EMFs

The following principles should be applied in the development of an EMF:

- The EMF should be customised to the context of the area;
- The EMF should be undertaken with reference to environmental goals and priorities;

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- The EMF should encourage sustainable development;
- The scope of the EMF should be comprehensive enough to provide assistance to all levels and types of environmental and planning decision-making in the area;
- The EMF should place specific focus on the issues and information that matter in decision-making in the area;
- EMFs must take into account any EMFs already conducted which may influence the results and scale of the EMF proposed. This will include EMFs conducted at a broader or finer spatial level, as well as adjacent to the study area. Where adjacent EMFs are considered the effect of aligning the edges needs to be integrated,
- Bio-physical, social, economic, and other aspects that are relevant in the area should be reflected in the EMF;
- The EMF should provide insight into specific land-uses and determine if these land-uses are appropriate or not to the receiving environment, taking into consideration the cumulative impact of such land-uses;
- The EMF should be clear and easy to understand;
- The process of developing the EMF must provide for an appropriate level of public participation; and
- The process of developing the EMF should be carried out fairly, impartially and professionally, having regard to legal and policy requirements as well as guidelines that are applicable to the area.

4.2 Determination of the context of an EMF

With regard to the context within which an EMF is developed it must be noted that, although the content of an EMF is prescribed in the regulations, the nature of each EMF will be determined by the context of the area for which it is done and the contents of each EMF will vary accordingly. The context is often determined by a range of factors, including the following:

- The types and nature (and scale) of environmental attributes;
- The types of development pressures experienced;
- The status of conservation of sensitive elements; and
- The need for cooperative government.

5. PROCESS OF FORMULATING AN EMF

This section describes the typical technical development process of the EMF. It considers the various phases and provides detail regarding the end deliverables required for an effective EMF.

**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****5.1 Pre-EMF Development Matters**

Before commencing with the EMF, certain administrative and institutional matters should be in place which includes:

- Issues of concurrence(if initiated by the MEC) between the relevant spheres of government;
- Who has initiated the EMF;
- Formal agreements between the relevant parties to the EMF, where and if required; and
- Define the scope of work (terms of reference) for the compilation of the EMF.

The above will ensure a defensible process, which has been agreed to by all the relevant spheres of government, which is important when addressing issues of co-operative governance.

The Terms of Reference should as a minimum:

- define the purpose of the EMF;
- indicate the study area;
- specify information and technical requirements;
- provide for any additional requirements for public participation process;
- specify the methodology and approach to be adopted;
- specify the project deliverables that must be produced; and
- indicate the composition, structure and functioning of the EMF project steering committee.
- indicate the key criteria and aspects which are required in the EMF;
- the operational scale of the EMF;
- identify and be clear regarding the trigger for the EMF; and
- establish the policy objectives of the EMF to address the trigger.

5.2 Technical EMF Development Process

The technical development phases of the EMF can be summarised into five basic phases, namely;

- 1.3 The need for an EMF;
- 2.3 Status quo assessment(including sensitivity analysis, environmental opportunities and constraints) ;
- 3.3 Desired state of the environment; and
- 4.3 Way forward (including Identification of specific management zones and management guidelines).



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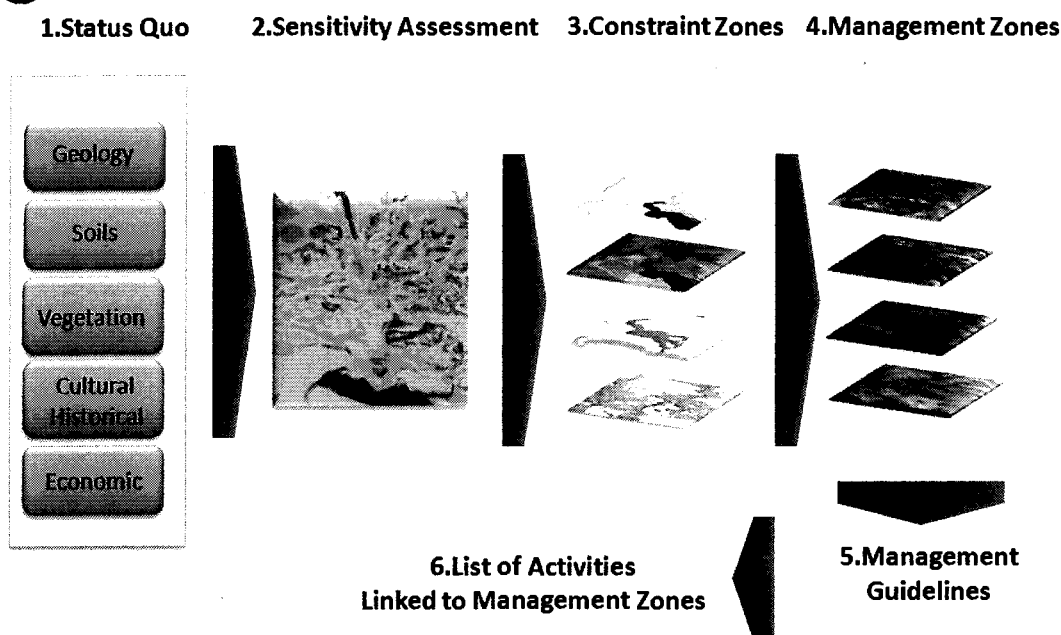


Figure 1: Overall EMF Technical Phases

5.3 Information Gathering

The platform of the EMF is developed upon baseline information. It is very important to ensure that sufficient emphasis is placed upon the development of the baseline assessment phase. Similarly, the ultimate success of the EMF is determined by the quality and accuracy of primary information input.

5.3.1 Information Gathering, Quality and Detail

Information gathering is an activity that takes place throughout the formulation of an EMF. It is important for defining the:

- Status quo of the project area;
- Environmental opportunities and constraints,
- Development pressures and trends in the area; and
- The establishment of management priorities in and guidelines for the area.

When planning how to produce an EMF, it is important to be systematic and make sure that information is gathered and captured correctly. Accurate and relevant baseline information is imperative to the successful spatial analysis and determination of applicable environmental opportunities and constraints. The saying "Garbage in, garbage out" rings true to the overall effectiveness, acceptability and implementability of the EMF. The status quo assessment forms the repository of all biological, physical, social and economic data, and where applicable and possible should be represented spatially. The spatial mapping of baseline information constitutes the framework and platform upon which the

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EMF is further developed. The eventual quality and relevance of an EMF will to a large extent depend on:

- The information included;
- The credibility of information sources; and
- The quality and detail of the information.

All data sources should accordingly be subjected to stringent quality controls and, in most cases, verified at the source to ensure that errors are not built into the EMF due to erroneous or sub-standard information. New research and high resolution data capture may be required to ensure that the quality of information is both adequate and appropriate.

The level of detail required for spatial data capture, especially in respect of key environmental attributes, will normally vary from 1:1000 to 1:5000. Coarser data is unlikely to meet the requirements of the competent authorities. Spatial data capture requires up-to-date aerial photography and in some instances satellite remote sensing images. There should be clear integration with other information sources where these meet the above criteria of data requirement.

5.3.2 Information that should be included in the EMF

It is necessary to ensure that the content and context of the EMF is appropriate to its application. Information irrelevant to the EMF should not be included. A distinction must be made between information utilised in the status quo assessment for background and information purposes only, and which will have no operative function in the further development and analysis phases of the EMF; and information that will be utilised in the further spatial analysis phases of the EMF development. The typical baseline information that should be included must reflect the following:

- (a) identify by way of a map or otherwise the geographical area to which it applies;
- (b) specify the attributes of the environment in the area, including the sensitivity, extent, interrelationship and significance of those attributes;
- (c) identify any parts in the area to which those attributes relate;
- (d) state the conservation status of the area and in those parts;
- (e) state the environmental management priorities of the area;
- (f) indicate the kind of developments or land uses that would have a significant impact on those attributes and those that would not;
- (g) indicate the kind of developments or land uses that would be undesirable in the area or in specific parts of the area;
- (h) indicate the parts of the area with specific socio-cultural values and the nature of those values;
- (i) identify information gaps;
- (j) indicate a revision schedule for the environmental management framework; and

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- (k) include any other matters that may be specified.

Information management will be important in the compilation of the EMF as the primary platform for all analysis is represented spatially. The project steering committee should jointly decide on the information matrix and the requirements for the baseline spatial data. In order to manage this process effectively and to ensure that a record is kept with regards to the credibility of information used, an information metadata matrix should be developed.

The information matrix should include the following:

- The nature and type of information required;
- The format of the information;
- The scale and quality of the information;
- The approach to getting and capturing the information; and
- The information source.

5.3.3 Information sources

As referred to above, the emphasis on reliable, accurate and current spatial information will establish the integrity and efficiency of the EMF. Baseline information sources should primarily be structured around the acquisition of existing information sources. Generation of new data sets should only be done in situations where:-

- Required and appropriate spatial information pertinent to the analysis does not exist;
- Where the scale is too broad and not detailed enough for the application; and
- Where serious discrepancies regarding the integrity of existing information exists.

Links with other baseline sources should firstly be established, before the generation of new data sets. Similarly, where other initiatives are underway or which have been completed, this information should be utilised in the EMF where appropriate.

5.3.4 Access to information

The project steering committee should assist the service provider with access to information, especially information of which a statutory body is the custodian.

The utilisation of existing data sets must take the following into consideration:-

- The information must be from an acceptable source e.g. South African National Biodiversity Institute and other sources which have already been through a broad consultative process, and where the information has been reviewed, verified and ground truthed;

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- The inclusion of existing data (i.e. systematic conservation plans etc) must be consolidated as a baseline for the EMFs;
- EMFs must look at national and provincial targets rather than just local targets in instances where biodiversity, air, water and waste decisions are made;
- EMFs should align biodiversity, air, water and waste targets to those contained in the National Biodiversity Framework and National Biodiversity Strategy and Action Plan as far as possible;
- The EMF process needs to synergise with existing information;
- As far as possible and relevant use must be made of local information initiatives, plans of provincial importance such as Provincial Growth and Development Strategy; and
- EMFs should address implementation issues of broader initiatives, such as bioregional plans.

Information can be obtained from various sources including:

- Government institutions such as SANBI, Department of Rural Development and Land Reform, DWA and DEA;
- Bioregional plans and Biodiversity Conservation Assessments applicable to the study area;
- Municipal cadastral and zoning documents;
- Aerial photography which should be used for surveys, ground truthing and intensification of information gathered from less accurate sources;
- Information in the databases of government departments;
- Strategic development frameworks and integrated development plans applicable to the area;
- Information gathered as part of other projects in the area;
- Government policies;
- Site/area surveys;
- Specific local subject specialists; and
- Interviews with stakeholders, community leaders, and the general public during the public participation process.

5.4 Status Quo Assessment

The following diagram illustrates the various levels of information input and the interphase and relationship between the descriptive analytic data.



1. Status Quo Assessment

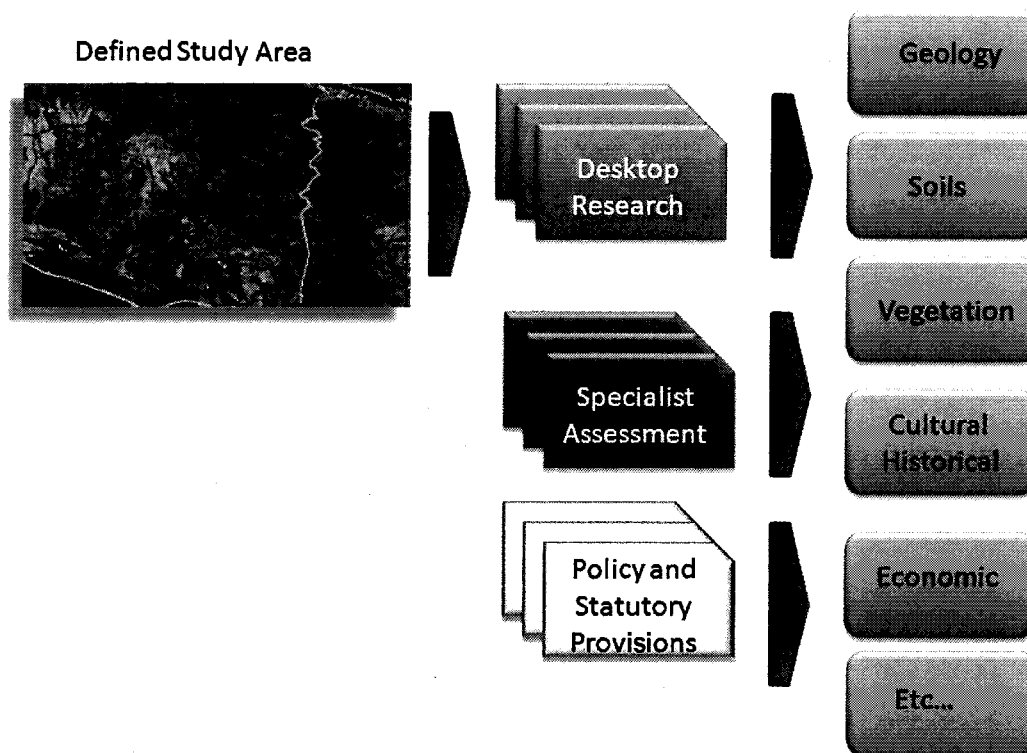


Figure 2: Status quo technical assessment

5.4.1 Determining the project boundary

On commencing the project, a clear delineation of the project boundary is required. When considering the boundary, it is important to have a clear understating of how the specific EMF will be applied and administered. A logical demarcation should be used such as:-

- An administrative boundary;
- Cadastral boundary;
- Water catchment boundary; or
- Logical ecological delineation (e.g. vegetation type, biome or eco-region).

5.4.2 Content of the Status Quo Assessment

Once the need for an EMF has been determined, an assessment of the status quo of the area must always form the point of departure for producing an EMF. The exact contents of the status quo section



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will depend on the specific requirements of the authorities and context of the area. The following is a broad list of typical categories and attributes that should be included in an EMF:

- Geology, including geological stability;
- Geohydrology, including water quality, water quantity and irrigation potential;
- Surface hydrology, including drainage systems, flow rates, water quality and ecological requirements;
- Topography, including landscapes and visual character;
- Soil, including erosion potential and agricultural potential;
- Vegetation, including important habitats, threatened species and conservation potential;
- Fauna, including threatened species and conservation potential;
- Current use of land depicting the actual uses that occur on land in detail;
- Infrastructure and engineering services, including water provision, sanitation, transportation elements, electricity, solid waste disposal and telecommunication;
- Current and potential sources of air pollution;
- Current and potential sources of water pollution;
- Current and potential sources of noise or other types of irritation;
- Land which is subject to mining activities;
- Cultural and historic features, including archaeological sites, old buildings, important structures and sites associated with current use or past events and religious structures and sites;
- Population characteristics, including spatial distribution, structure, income levels, age, gender, literacy and growth trends;
- Economic characteristics, including employment sectors, economic drivers and growth sectors;
- Current development and planning trends and processes, including the SDF's and IDP's;
- Current laws, policies, plans and programmes that are applicable in the EMF area;
- Other environmental management plans or frameworks that may exist in respect of the area covered by the EMF being conducted; and
- Existing reports undertaken in terms of other legislation.

The status quo assessment should also address the interrelationships between the different attributes as well as the importance of the attributes in the context of the area. Issues and trends in respect of attributes should also be described, where appropriate.

In order to ensure that the end product is both practical and scientifically based, information should be translated into data categories (e.g. hydrology), which consists of data features (e.g. natural flood plain, flood dissipation areas, river course, sandbanks, wetlands etc.). Each of the features should then be described and its current status should be established.

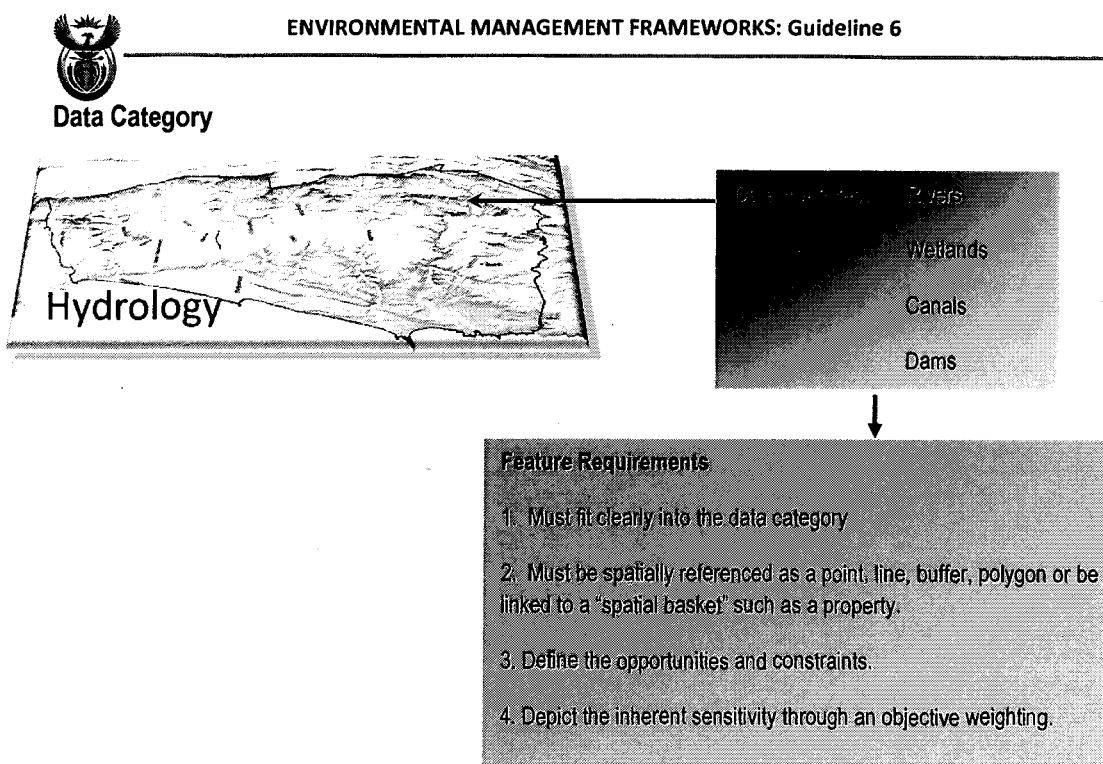


Figure 3: Status Quo Data Structure

5.5 Desired State of the Environment

The analysis and evaluation of the baseline information, issues raised throughout the public participation process, and authority requirements identifies and provides the basis for establishing environmental priorities. These priorities are expressed in a 'Desired State of the Environment' report which is used to develop the management guidelines and strategic objectives of the EMF. Furthermore, objectives of the EMF will establish principles on how the environmental resource should be managed to improve its environmental status. Priorities will typically be focused around critical environmental conflict points and could include:

- Conservation;
- Protection of cultural and heritage landscapes;
- Natural resource protection;
- Land-use planning;
- Waste management;
- Ambient air quality;
- Energy use;
- River health;
- Groundwater use and quality;
- Access to the open space system; and
- Rehabilitation or reuse of derelict land.



5.6 Identifying development pressures and trends

In order to establish what can realistically be achieved in the area in bridging the gap between the status quo and the desired state, it is also necessary to understand the development pressures, trends and needs in the area. Development trends, pressures and needs should be identified. These trends and pressures may come from a range of issues such as:

- Population growth;
- Population distribution;
- Population structure (age and gender);
- Income distribution;
- Education and literacy;
- Employment sectors;
- Economic drivers;
- Natural resource exploitation;
- Growth sectors;
- Development policies and plans.

5.7 Environmental Sensitivity Analysis

The environmental sensitivity analysis is the product of the integration of the various baseline information layers as defined in the project status quo assessment, after assessing it in terms of current policies and discussions with key stakeholders. The purpose of the environmental sensitivity analysis is to provide an overarching view of the inherent environmental sensitivity of the study area. Functionally the sensitivity analysis does not contribute substantially to any further downstream development in the EMF, and it is primarily used as a 'control' to test the applicability and accuracy of the identified environmental constraints and opportunities.

The sensitivity analysis is determined by allocating a weighting, or value to each of the environmental features in the status quo spatial layers. The subjectivity regarding the allocation of weighting is largely removed through the use of acceptable scientific knowledge. An environmental sensitivity evaluation, represented spatially in the EMF, comprises the integration of all the data categories and features. The specific feature weightings determine the level of environmental sensitivity, which ranges as low, medium, high and very high.

In this stage of the EMF, baseline information is transformed into secondary information that attaches value to different features. The following figure illustrates the data integration process of baseline data to depict overall environmental sensitivity.

The sensitivity analysis can be used additionally as a platform for the identification of open space systems, and for spatial support in conservation planning initiatives.



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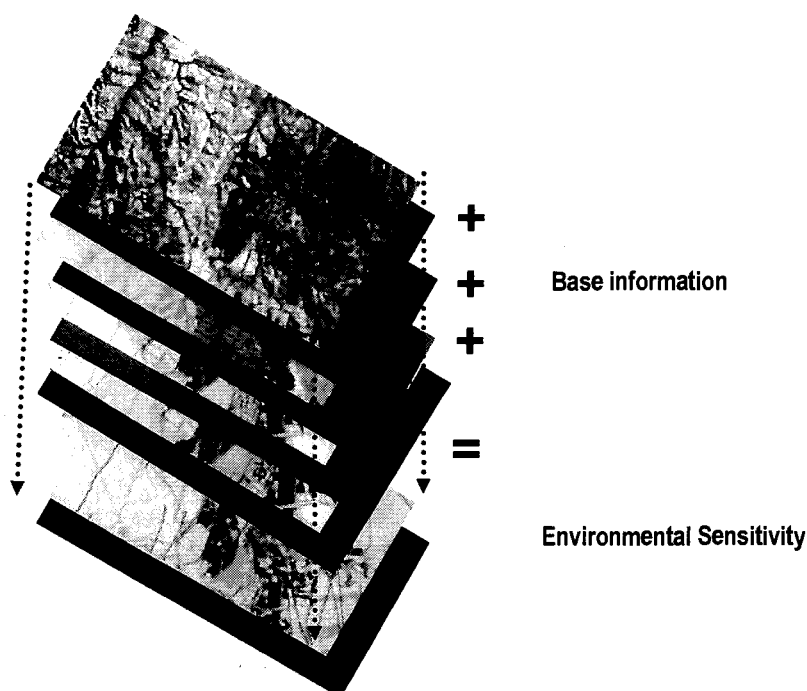


Figure 4: Environmental Sensitivity Evaluation

5.8 Feature Status and Weighting

The status of each of the features is determined through legislative requirements, accepted norms and quality standards, as well as through technical and specialist input. The status of a feature will determine the type and extent of the management intervention required. Feature status can be improved through the establishment of stringent management requirements (parameters/responses). The weighting of each individual feature, where possible, should illustrate the feature's inherent sensitivity to development pressure or resilience to change. In order to retain a certain degree of objectivity the band or spectrum of weighting is kept narrow.

Table 1: Example of a typical Feature Value Criteria

Weighting	Description	Sensitivity
-1	The inherent feature status and sensitivity is already significantly degraded. Any significant environmental development change will not influence the current status.	Low / poor
0	The inherent feature status and sensitivity will not be influenced by any significant environmental – development change.	Undetermined
+1	Environmental – development change will influence the current status of the feature, either negatively or positively.	High
+2	Environmental – development change will significantly influence the feature, either negatively or positively.	Very high



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5.9 Identifying Constraint Zones -Establishing opportunities and constraints

These can also be considered environmental sensitivity zones, or land-use opportunity and constraint zones. Environmental constraint zones are a spatial representation of the critical environmental aspects identified in the foregoing processes. Environmental constraint zones also determine the fitness and environmental suitability of a specific area for certain types of development based upon the baseline inventories and the values and inherent characteristics of land-uses of the area, as well as the sensitivity assessment.

Opportunities may include aspects such as:

- Areas that can accommodate specific development growth demands with minimal environmental impact;
- Sensitive environmental attributes that can be conserved within the current policy and resource capacities of the different spheres of government; and
- Limits on pollution and waste generation that can be achieved without significant cost.

Examples of constraints include:

- Population growth trends that exceed the ability of the area to accommodate the anticipated additional housing demand in areas that are not environmentally sensitive;
- The location of good building sand in an area with a habitat for rare and endangered species; and
- Low ambient air quality in an area where there is a high demand for industrial growth.

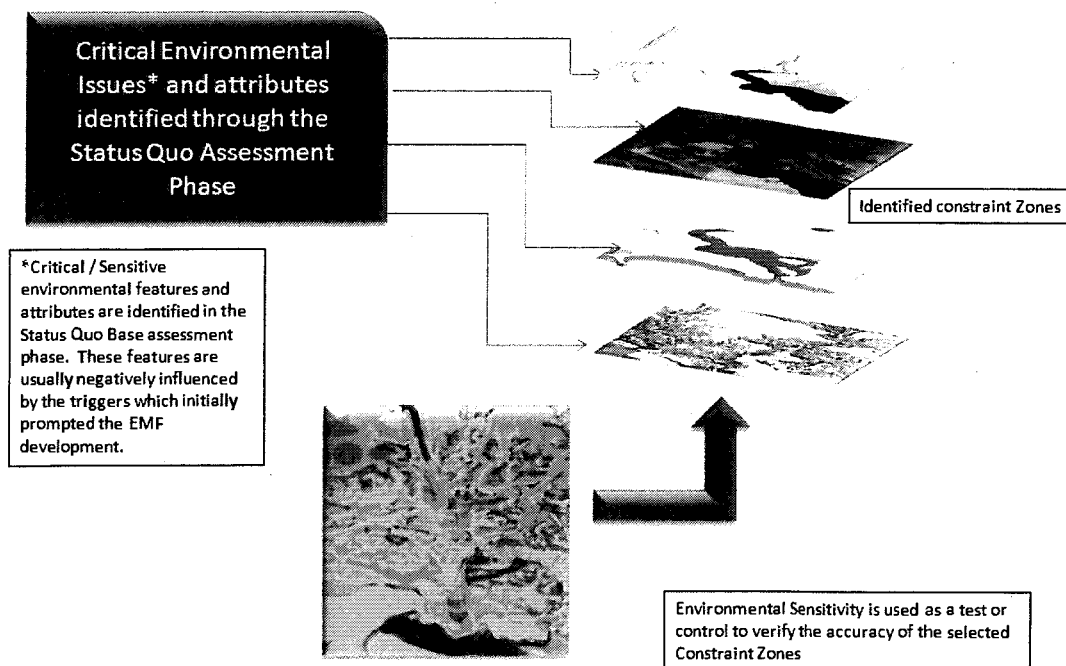


Figure 5: Determining Environmental Constraint Zones



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5.10 Management Zones

The purpose of management zones is to focus attention of the relevant authority on the critically important areas and to facilitate effective decision making in them. Management zones should inform decisions for proposed activities in all identified areas. Management zones will similarly 'red flag' critical environmental areas and ensure that any development applications lodged in these areas adhere to the management criteria (management guidelines).

The development of the management zones are informed by the integration of a selection of the critical environmental constraint attributes. The management zones illustrate the interrelationship between the various attributes, specifically focusing on the peculiarities which determine their sensitivity.

These areas are structured around a derived function of the environmental constraint zones consolidating and integrating specific categories which reflect a homogeneous composition, and which have been identified through the EMF development process as being significantly sensitive to development pressure to warrant specific management intervention.

Usually, the sensitive environmental components which have been identified upfront as a motivation for developing the EMF will feature quite prominently in the development of the management zones.

Once the management zones have been identified, they are then linked to management parameters and guidelines in the management guidelines document.

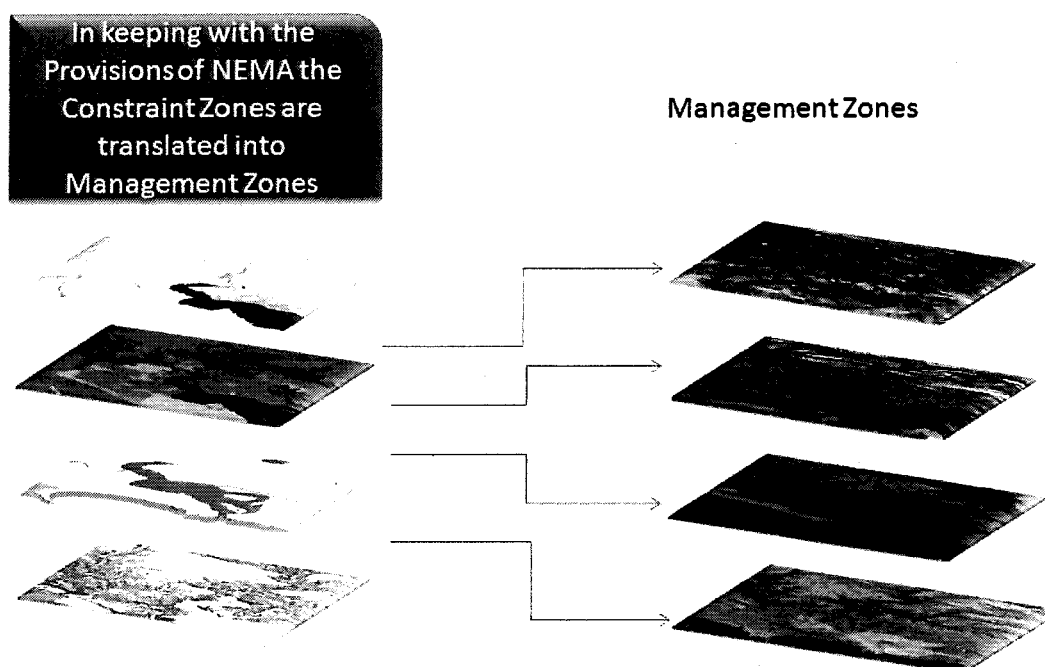


Figure 6: Determining Management Zones

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The functionality of an EMF is largely dependent on the implementability of the recommendations made in the management guidelines. The purpose of the management guidelines is to link management requirements to each of the attributes comprising the geographical areas, or management zones. The guidelines are not prescriptive regarding land-use and do not indicate which land-uses must occur in which areas. Rather, the guidelines indicate specific minimum environmental requirements and performance criteria, through management parameters, which have to be met satisfactorily before approval of a development application should be considered.

After the assessment of inputs from the public participation process and information gathered from the various assessments; management provisions and guidelines can be developed. These provisions and guidelines should be informed by the opportunities and constraints which have been identified and should aim to:

- Integrate the outcomes of the desired state of the environment,
- Clearly define and address any management objectives which have been established and identified through the development of the desired state of environment,
- Maximise the opportunities to the benefit of both the environment and development in the area;
- Make clear recommendations regarding the way that development should occur in a specific geographical area;
- Provide guidance as to the environmental thresholds to development in a geographical area;
- Identify development that would not be appropriate in sensitive areas; and
- Manage the constraints of the area through interventions that seek to protect the environment against significant impacts while being sensitive to the social needs and aspirations in the area.

Similarly the management guidelines could indicate the level of assessment required in the specified geographical area. The management guidelines can also be used as the environmental input for the LDO and IDP processes. The management guideline introduces a risk-averse approach to development planning decision-making. It fulfils the requirements of the environmental management mandates of the specific authorising authorities (if other authorities accept it), while it does not impose land-uses on the planning mandate of the local authorities. They in effect establish performance standards or criteria which must be met before a certain use will be permitted. These criteria usually involve a combination of economic, environmental and social factors.

5.11.1 Other issues to consider for the Management Guidelines

The content of the management guidelines should be structured from existing policies, statutory provisions and guidelines. This will ensure that the management guidelines are defensible and based upon existing, recognised and accepted management information. Environmental priorities established in the desired state of the environment provide the framework for the management objectives of this



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document. In addition to the above issues for management guidelines, the following should also be considered:

- Environmental management priorities in the area;
- Existing statutory and regulatory provisions (e.g. Acts and regulations);
- Management guidelines sourced from other approved plans and programmes (e.g. PSDFs and IDPs that have already been put through public review and a consultative process, and which have subsequently been adopted by the relevant provincial and local authorities);
- Accepted ordinances and local authority provisions; and
- Existing provincial policies and guidelines.

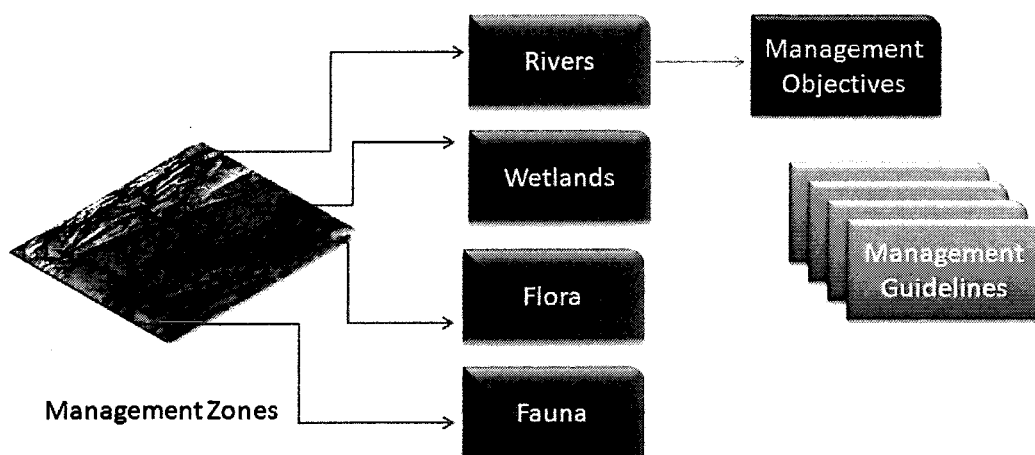


Figure 7: Determining Management Guidelines

5.12 List of Activities

Section 24(4A) of NEMA makes provision for the listing or identification of activities that require environmental authorisation before being undertaken as well as activities that may be excluded from the requirement of obtaining environmental authorisation. An EMF can be used to inform decisions regarding whether additional activities should be listed for the area or whether certain activities should be excluded from requiring environmental authorisation. The actual inclusion and exclusion of activities requires a separate legal process.

The sensitivity of the environment depicted through the management zones, together with the opportunities and constraints illustrated in the management guidelines will provide an indication of which listed developments and land-uses could be excluded from a certain area (excluded from obtaining an environmental authorisation); any additional developments and land-uses which may have a substantially negative influence on the environment which should be included; the kinds of developments and land-uses that are undesirable in the area or part of the area; and make

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recommendations with regards to the type of assessment that would be required for additionally identified developments and land-uses.

5.13 The Structure and content of the EMF Report

In terms of the regulations, an EMF must contain the following:

- An identification of the area – whether by map or otherwise;
- A specification of the environmental attributes in the area, including sensitivity, extent, interrelationship and significance of the attributes;
- An identification of any parts in the area to which the attributes relate to;
- An indication of the conservation status of the area;
- A description of the environmental priorities in the area;
- Indicate the kinds of developments or land uses that would have a significant impact on those attributes and those that would not;
- Indicate the kinds of developments and land-uses that would be undesirable in the area or specific parts of the area;
- Identify information gaps;
- Indicate a revision schedule for the environmental management framework; and
- Any matters specified by the Minister or MEC.

It is recommended that for completeness, the EMF report should also contain the following (depending on the nature and context of the EMF):

- The terms of reference for the EMF;
- A description of how information was captured;
- A description of the public participation process including issues raised by I&APs;
- The desired state of the environment;
- Development pressures and trends;
- Opportunities and constraints; and
- Management proposals and guidelines.

5.14 The EMF in GIS Format

The information contained in EMFs can be linked to the attributes in a spatial manner. GIS seems to be the most widely and easily used tool for spatial integration of data in the development of EMFs and can be used to provide quick answers to relatively complex scenarios.

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An integrated GIS can often be developed as the main structural element in the production of an EMF around which the various inputs and outputs are centred. The GIS could also ensure that the results of the EMF continue to be useful provided that it is updated periodically in order to deliver an ongoing up to date input into the environmental management of the area.

The GIS can also be made available on a user-friendly GIS-viewer. The GIS-viewer can play an important role in the use and application of the EMF as it integrates two important components of the EMF, namely an integrated spatial data set and a database containing the description of spatial entities. Most importantly, it can also integrate the management proposals and guidelines that are applicable to specific areas.

The GIS-viewer could also contain a report function, which takes an image of a selected area from the GIS map, together with all the attribute data relating to that specific point, and prints it to a structured report that can be taken away and used for inclusion in other documents.

5.15 Keeping the EMF current

The EMF Regulations requires that a revision schedule for the EMF must be indicated. It is therefore imperative that the EMF remains current to ensure its applicability over time. Monitoring of the implementation of the EMF over a reasonable review period should take place to ensure that environmental improvement has indeed taken place. The EMFs should be reviewed, where possible, together with the respective IDPs and SDFs for the area. Only relevant data needs to be updated during the review such as land-use, population, and other dynamic data sets prone to short to medium term change. Static data layers remain, unless more appropriate and detailed information has been developed during the update period.

6. PUBLIC PARTICIPATION PROCESS**6.1 Process required by the regulations**

The regulations require that the following processes be conducted as a minimum as prescribed by sub-regulation 2 (c) of the EMF regulations:-

- Make the draft EMF available for public comment,
- Inviting potential I&APs by means of advertisements in newspapers, and any other appropriate way,
- Take appropriate steps to ensure that reasonable means have been implemented to engage with I&APs which are illiterate, disabled and have any other disabilities,
- Consider representations and comments,
- To review the draft to include relevant comments,
- Prepare a comments and responses report.

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The EMF regulations currently do not provide more detail because of the differences in context and size that may occur from one area to another in developing an EMF. The requirements of the regulations should therefore be regarded as minimum requirements and, in most instances, it will be necessary or preferable to conduct a broader public participation process that takes place during the entire development of the EMF. The remainder of this section provides detail on the undertaking of a broader public participation process and should be applied as a guideline.

6.2 Phases in public participation

The emphasis of public participation in the development of an EMF is to disseminate information about the EMF and its development to the broader public; elicit comments and suggestions, and to obtain input on the status quo and what the desired state of the environment should be in the area under consideration. The participation process will therefore usually have at least three goals, namely:

- To inform interested and affected parties (I&APs) of the EMF process and its objectives;
- To provide an opportunity for inputs from I&APs; and
- To give feedback to I&APs with the opportunity for them to respond.

To achieve the objective of the public participation process, the process is normally conducted in phases. The phases relate to input required in the process and timing with regards to the significant project development milestones. Each of the proposed phases is discussed below.

6.2.1 Phase 1: Preparation

Phase 1 of the public participation entails:

- An initial meeting with the regulatory authorities that have jurisdiction in the area,
- The compilation of a preliminary database of potential I&APs, and
- The preparation of documentation that is necessary for the public participation process, including -
 - A background information document (BID);
 - Project advertisements to be published in local and regional newspapers (as required by the geographical extent of the EMF. EMFs of national importance should be advertised in a nationally distributed newspaper); and
 - Invitations to attend the initial open day and public meetings, as well as agendas for the meetings.

The aim of a BID is to provide accessible background information on the proposed EMF approach and process. The BID is distributed to the I&APs who are listed in the database. (The most appropriate language or languages to be used in the BID should be determined by the languages spoken in the area).

To allow for the involvement of I&APs who have not been identified through the meeting with the regulatory authorities in the early stages of the process, the regulatory authority must subject the draft EMF to a public participation process by making it available for public inspection at the convenient

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place, and must invite potential I&AP's by way of advertisement in newspapers circulating in the area and in any appropriate way to inspect the draft and submit representations, and comments in connections with the draft. In addition, it is required that reasonable alternative methods are taken to ensure appropriate participation by individuals with special needs or any other disadvantage.

The invitations to attend the open day and public meeting, as well as the agendas should be communicated to the public and I&APs, and be prepared in advance to ensure input from all members of the project team regarding the information to be communicated to the public.

6.2.2 Phase 2: Stakeholder consultation

This phase of the participation process focuses on interaction with I&APs. To ensure that I&APs are afforded sufficient opportunity to engage in the process, it is recommended that they are afforded an opportunity to comment or provide input, as a minimum, at the following milestones:

- During information gathering phase;
- On completion of the status quo assessment;
- Completion of the constraint zones and environmental sensitivity evaluation;
- Desired state of the environment; and
- Upon finalisation of the management zones and management guidelines.

The extent of consultation will greatly depend on the nature and sensitivity of each EMF. Large scale regional EMFs will require extensive consultation at various levels and amongst different community profiles. The approach to consultation should be flexible and the level of literacy should similarly influence the approach. In order to ensure appropriate consultation with I&APs, various approaches could include:

- Presentations;
- Open days with static displays;
- Focused group and subject specialist meetings; and
- Interviews with local leaders and councils.

Public open days and public meetings should be advertised in the most widely read local and community newspapers, by means of flyers and I&APs on the database should receive personal invitations. The aim of public open days are to provide I&APs with more information about the proposed EMF and to invite I&APs to provide inputs regarding their views on current practises and their desired state of the environment and development for the EMF area.

Feedback on the progress of the project should also be provided during the public meeting. Minutes of the meeting should be distributed to I&APs that attended the meeting.

In addition to the open days, a structured interview process can also be used to identify issues, viewpoints, concerns and attitudes held by the various stakeholder groupings in the area. Similarly they should reflect the aspirations of the various stakeholder groupings in the area. These surveys must be

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of sufficient scope to be statistically acceptable and should include a realistic reflection of the stakeholder groupings within the project area.

I&APs should be engaged on an ongoing basis to ensure that they are informed of the project progress and that they are able to communicate issues and concerns to the project team. The issues, comments and concerns raised during phase 2 should be captured in a comments and response report which should form part of the draft EMF. The comments and response report should consist of:

- A description of the strategy and process followed;
- A list of issues, comments and concerns raised during the public participation process;
- A list of the registered I&APs;
- Responses to comments;
- Conclusions and recommendations; and
- Minutes of meetings and written comments received during the public participation process (where applicable).

6.2.3 Phases 3: Public review and reporting phase

Phase 3 takes place during the finalisation of the EMF process and entails providing feedback and soliciting comments on the draft EMF. The EMF must be made available for review by the public. There are no set timeframes for commenting. However, it is recommended that at least a 30 day review period should be provided. After the commenting period, the EMF must be revised to reflect any comments which are accepted.

The EMF report should include a section on the public participation process.

6.3 Access to the final draft EMF

The draft final EMF report should be available for public perusal in an accessible location and format. Usually the size and format of the full EMF document content is too large and expensive to provide multiple copies, and singular copies will have to be placed strategically for inspection. Full electronic versions should be made available on the web interphase of the competent authority. Summary documents could be available for more accessibility.

7. INSTITUTIONAL ARRANGEMENTS

The success of any EMF lies in its implementation and application. The institutional structure to ensure that the EMF can, and will be applied in practice depends largely on the buy-in and support of all spheres of government, especially the competent authorities mandated with managing the environment.

**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6****7.1 Concurrence**

Section 24(2) of NEMA, and the Environmental Management Framework Regulations of 2010 stipulate that the Minister, and every MEC with the concurrence of the Minister, may identify geographical areas, based upon environmental attributes, in which specified activities may not commence without the approval and authorisation of the competent authority, and similarly activities which may be excluded from authorisation by the competent authority.

Section 24 (3) further stipulates that the Minister, and every MEC with the concurrence of the Minister, may compile information and maps that specify the attributes of the environment in particular geographical areas, including sensitivity, extent, interrelationship and significance of such attributes which must be taken into account by every competent authority.

The further implication for the EMFs is that the Minister, and every MEC with the concurrence of the Minister, may make regulations which are consistent with subsection 4 of NEMA, in laying down the specific procedure to be followed in the compilation of the EMFs.

In issues of national importance the Minister may solely initiate an EMF. However, for any EMF that has been triggered by issues of a provincial and local nature the MEC, with the concurrence of the Minister, may initiate. This concurrence further strengthens the EMF adoption process in terms of adopting the EMFs as provided for by the EMF Regulations of 2010 ensuring support for the EMF at all spheres of government.

7.2 Co-operative Governance

It is imperative that the EMF be developed in a spirit of co-operative governance between all spheres of government. Similarly it is important to ensure that all the respective government role-players and decision makers who are directly affected by the implementation of the EMF are part of the development process and that it has been supported from the inception.

The following broad principles should be applied in ensuring co-operative governance:

- The various partners to the EMF must jointly be in agreement on the purpose of the EMF;
- The parties should not have conflicting mandates;
- The roles and responsibilities of the various spheres of government in the development and implementation of EMF must be clearly established;
- Establish clear distinction between the roles and responsibilities of various levels of government;
- There should therefore be clear agreements between the different spheres of government;
- The agreement should define the desired state of the co-operative governance, roles and responsibilities in the application of the EMF;

**ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6**

- The EMF can provide the framework to highlight areas of, and achieve co-operative agreements;
- Establish network agreements between officials before escalating the agreements to higher levels of co-operation; and
- The practical agreements for implementation of the EMF needs and requires continuation after the adoption of the EMF.

7.3 Role and Responsibility of Government

The Minister or MEC, as the case may be, is the custodian of the EMF once it has been adopted, and the competent authority has to take it into account in decisions on applications for environmental authorisations and in environmental management activities.

8. ADOPTION AND IMPLEMENTATION

Regulation 5 of the EMF Regulations makes provision for the EMF to be adopted by the Minister or MEC as the case may be. Once adopted, the Minister or MEC, as the case may be, must publish a notice in the Government Gazette indicating that the EMF has been adopted and details of where the EMF can be viewed. It has to be considered during the evaluation of development proposals through the environmental impact assessment process, as well as activities which may have a negative impact on the geographical area.

The intention is to ensure that development decision making is not hampered, and that informed decisions are made upfront in the development process, i.e. discouraging activities in sensitive areas that will have a negative effect on the environment.

8.1 Implementation strategy

The inclusion of an implementation strategy in the EMF can add significant value. A proposed strategy should address the following:

- Linkages between planning and policy instruments and options for incorporating information contained in the EMF;
- Approaches to co-operative government; and
- Allocation of responsibilities between authorities to ensure desired outcomes



ENVIRONMENTAL MANAGEMENT FRAMEWORKS: Guideline 6

9. CONCLUSION

The importance of EMFs within the IEM suite of tools has been recognised and the potential for diversifying its application is being emphasised through the elevation of its statutory position within NEMA in the development of 'stand-alone' EMF regulations, which are known as the *Environmental Framework Management Regulations, 2010*. The purpose of the EMF is to function as a support mechanism in the environmental impact assessment process in the evaluation and review of development applications, as well as informing decision making regarding land-use planning applications. EMFs provide a compilation of information and maps illustrating attributes of the environment for a specific geographical area.

EMFs are useful for the EIA process as well as for other planning processes, such as input into Spatial Development Framework's, Integrated Development Plan's and open space planning applications. They are strategic level decision support instruments that assist environmental impact assessment. The EMFs should be reviewed, where possible, together with the respective IDPs and SDFs for the area. They contribute to environmentally sustainable development by anticipating potential impacts and by providing early warnings in respect of thresholds, limits and cumulative impacts, and by identifying already existing impacts to be addressed. The guideline will be revised on a regular basis or when there is a need arise. Monitoring of the implementation of the EMF over a reasonable review period should take place to ensure that environmental improvement has indeed taken place.

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**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)**

PUBLICATION OF PUBLIC PARTICIPATION GUIDELINE

I, Bomo Edith Edna Molema, the Minister of Water and Environmental Affairs, hereby publish in terms of section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998) the Public Participation Guideline in the schedule hereto.



BOMO EDITH EDNA MOLEWA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

INTEGRATED ENVIRONMENTAL MANAGEMENT GUIDELINE SERIES (GUIDLINE 7)

PUBLIC PARTICIPATION IN THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Further titles in this series of guideline documents are being prepared and will be made available periodically. The sequence of release and titles are subject to change

Guideline Series 1	Environmental Management Co-operation Agreements
Guideline Series 2	NEMA S24G (ECA applications)
Guideline Series 3	NEMA S24G
Guideline Series 4	Strategic Environmental Assessment
Guideline Series 5	Companion to the NEMA EIA Regulations 2010
Guideline Series 6	Environmental Management Framework
Guideline Series 7	Public Participation in the EIA process
Guideline Series 8	Handbook for authorities on handling the appeals in terms of NEMA S43

ISSUED BY:

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These documents are available on the DEA website <http://www.environment.gov.za>

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PREFACE

This document is one of the series of guideline documents on environmental impact management legislation and Regulations. It provides guidance on the procedure and the provisions of the public participation process in terms of NEMA and its EIA Regulations as well as other relevant legislation.

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ABBREVIATIONS

BA	Basic assessment
BAR	Basic assessment report
CA	Competent Authority
DEA	Department of Environmental Affairs
EAP	Environmental assessment practitioner
EIA	Environmental impact assessment
EIR	Environmental impact report
EMP	Environmental management programme
I&APs	Interested and/or affected parties
IEM	Integrated environmental management
MEC	Member of the Executive Council
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
PPP	Public Participation Process
S & EIR	Scoping and environmental impact assessment reporting
SR	Scoping report
PoS-EIR	Plan of study for environmental impact report

1. INTRODUCTION AND LEGAL BACKGROUND

In 2010 the Minister of Environmental Affairs passed new regulations on the requirements for conducting environmental impact assessments (EIA Regulations) in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA). The EIA Regulations replace the Environmental Impact Assessment Regulations, 2006.

In order to assist potential applicants, interested and affected parties (I&APs) and environmental assessment practitioners (EAPs) to understand what is required of them and what their role may be, the Department of Environmental Affairs has produced a series of guidelines. These guidelines are intended to be guides only and should be read in conjunction with NEMA and the EIA Regulations. They are not intended to be a substitute for the provisions of NEMA or the EIA Regulations in any way.

This guideline updates and revises the draft guideline which was developed in 2005. It provides information and guidance for applicants, I&APs and EAPs on the public participation requirements of the EIA Regulations. It provides information on the benefits of public participation, the minimum legal requirements for public participation processes, the steps of a public participation process, guidelines for planning a public participation process and a description of the roles and responsibilities of the various role-players.

2. THE IMPORTANCE OF PUBLIC PARTICIPATION PROCESS

Public participation is one of the most important aspects of the environmental authorisation process. It is considered so important that it is the only requirement for which exemption cannot be given. This is because people have a right to be informed about potential decisions that may affect them and to be afforded an opportunity to influence those decisions. Effective public participation also facilitates informed decision-making by the competent authority and may result in better decisions as the views of all parties are considered.

The benefits of public participation include the following:

- it provides an opportunity for I&APs, EAPs and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;
- it provides I&APs with an opportunity to voice their support, concerns and questions regarding the project, application or decision;
- it provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;
- it enables an applicant to incorporate the needs, preferences and values of affected parties into its application;
- it provides opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
- it is an important aspect of securing transparency and accountability in decision-making; and
- it contributes toward maintaining a healthy, vibrant democracy.

3. WHEN PUBLIC PARTICIPATION MUST BE UNDERTAKEN

The EIA Regulations require that public participation must be done after submission of an application for either basic assessment (BA) or scoping and environmental impact report (S&EIR). Public participation can take place in a number of instances, such as exemptions, amendment of authorisation and rejection of reports within the EIA process. However, requirements for public participation may be different depending on the type of the application process. For example, the applicant or EAP must first submit a notice of his or her intention to apply for exemption to the CA and I&APs, and then submit the exemption application to the CA (notification and submission of an application may also happen simultaneously).

4. NOTIFICATION OF I&APs AND LAND OWNERS

Depending on the type of application process, an applicant/EAP conducting a public participation process (PPP) as described in Regulation 54 (2) must give notice to all potential I&APs of the application.

4.1 Method of notification

The applicant or EAP must give notice to I&APs by:

- (a) fixing a notice board at a place noticeable to the public at the boundary or on the fence of the site where the activity to be undertaken as well as any alternative sites being considered.

Note: The site notice should be displayed for the duration of the commenting period.

- (b) giving written notice to-
 - (i) the owner or person in control of the land, if the applicant is not the owner or person in control of the land and occupiers of the site or of any alternative site on which the activity is proposed to be undertaken;
 - (ii) the owners and occupiers of land adjacent to the site or any alternative site where the activity is proposed to be undertaken;
 - (iii) the owners and occupiers of land where the site on which the activity is to be undertaken or any alternative site where the activity is to be undertaken;
 - (iv) the municipal councilor of the ward, as well as alternative sites being considered, are situated and any organisation of ratepayers that represents the community in the area;
 - (v) the Municipal Manager's office or office of the Environmental services municipality which has jurisdiction in the area;

Note: Both the local municipality and the district municipality should be notified.

- (vi) any organ of state having jurisdiction in respect of any aspect of the activity (e.g. Department of Water Affairs for water use authorisations); and
 - (vii) any other party as required by the CA.
- (c) placing an advertisement in:
 - (i) one local newspaper; (this should be an appropriate newspaper in terms of accessibility and written in a language that I&APs will understand); or
 - (ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these regulations; and

- (d) placing an advertisement in at least one provincial newspaper or national newspaper if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality and an advertisement is not being placed in any official *Gazette* (referred to in (c)(ii) above).

Note: There is currently no *Gazette* that is published specifically to notify the public of applications that are made in terms of the EIA Regulations. At present all applications must be advertised in one local newspaper where it is anticipated that the impacts of the activity will not extend beyond the boundaries of the metropolitan or local municipality, and in a provincial or national newspaper where the activity may have impacts beyond the boundaries of the metropolitan or local municipality. For the former, applicants may decide to also place an advertisement in a provincial or national paper. In this regard it must further be noted that the requirements specified in the EIA Regulations constitute the minimum requirements, and depending on the facts and circumstances of each application, additional public participation measures might be required.

- (e) Using reasonable alternative methods as agreed to by the CA to accommodate people who wish to, but cannot participate due to illiteracy, disability or any other disadvantage.
- (f) Note: Where circumstances prevent compliance to notification of I&APs, the person conducting the PPP may deviate from the requirements in agreement with the CA.

4.2 Content of the notice, notice board or advertisement

When notifying I&APs of an application by way of notice, a notice board or an advertisement, the person conducting public participation must:

- (a) give details of the particular application; and
- (b) state-
- (i) that the application has been submitted to the CA in terms of the EIA Regulations, 2010;
 - (ii) whether BA or S&EIR procedures are being applied, in the case of an application for an EA;
 - (iii) the nature and location of the activity to which the application relates;
 - (iv) where further information on the application or activity can be obtained; and
 - (v) the method and the person to whom representations in respect of the application may be made.

If applicable, the following must also be indicated in the notice:

- the applicant's intention to submit an application for exemption to the CA and inviting comments on the intended exemption application;
- the provision from which exemption must be applied for;
- the manner in which and the person to whom comments on the application for such exemption must be submitted;
- the date on which comments on the application for exemption must be submitted; and
- if permission has been granted by the competent authority to apply S&EIR instead of the BA to the application or vice versa.

4.3 Proof of notification

The EIA Regulations requires that notice boards, advertisements and notices notifying potentially interested and affected parties in relation to the application have been displayed, placed or given. In meeting this requirement, the EAP must submit the following to the competent authority:

- (a) a copy of the newspaper advertisement (newspaper clipping) that was published, indicating the name of the newspaper and date of publication and of such quality that the wording in the advertisement is legible;
- (b) a site map showing where the site notice was displayed, a dated photograph showing the notice displayed on site and a copy of the text contained in the notice;
- (c) copies of written notices that have been sent to I&APs, as well as:
 - (i) if the notice was sent by registered mail, a copy of all registered mail receipts which show the registered mail number, the name of the person the notice was sent to, the address of the person and the date on which the notice was posted; and
 - (ii) if the notice was sent by facsimile, a copy of the facsimile report;
 - (iii) if the notice was sent by electronic mail, a copy of the electronic mail; and
 - (iv) if the notice was hand delivered, a copy of hand delivered.

4.4 Minimum size of notice boards

The EIA Regulations specify that the minimum size of the notice boards must be 60cm by 42cm and that they must display the required information in lettering and in a format as may be determined by the CA.

4.5 Identifying and approaching specific stakeholders

In some instances the regulations identify certain people as being potential I&APS who must be specifically invited to comment contacted whereas in other instances I&APs are identified by more general processes.

Over and above the placement of general notices on site or in the media inviting I&APs to participate in the application process, certain stakeholders should be specifically approached (organs of state, the owner or person in control of the land etc. are automatically regarded as I&AP's). The following means of identifying stakeholders should be used when appropriate:

- Social profiles or probes provide a comprehensive summary of the key characteristics of the people of a community or area and can serve as a starting point for identifying stakeholders.
- Brainstorming sessions with the proponent and/or authorities, based on previous experience, to identify key stakeholders who may be interested or affected by the proposal.
- Established lists and databases, held by consultancies, authorities or research institutions, may hold additional contact details of residents, non-government organisations, community based organisations or constituents.
- Network or chain referral systems according to which key stakeholders are asked to assist in identifying other stakeholders.

4.6 Commenting periods and consultation with state departments and other I&APs

I&APs must be provided with an opportunity to make representations on proposed applications and all written submissions made to the CA by the applicant or the EAP. In this regard it is important that notices to I&APs explicitly

indicate the duration of the commenting period, and indicate the timeframes that have been approved or set by the CA or any extension of a timeframe agreed to by the applicant or EAP.

Consultation with organs of state follows an additional process that is conducted by the CA and such organs of state have 40 days to comment (failing which they will be regarded as having no comment). However in the case of Department of Water Affairs (DWA), the days are extended. For example, when requesting comments from DWA, the 40 days must be read as 60 days in the case for waste management activities that also requires approval in terms of the National Water Act, 1998 (Act No. 36 of 1998) from the Department of Water Affairs. In this case, it is suggested that the EAP should first submit the draft report to CA and then the I&APs for comments (legally there is no need to await correspondence from the Competent Authority before awarding interested and affected parties an opportunity to comment. It is however imperative that the Draft report is submitted to the competent authority first). Thereafter, the CA should follow up with the I&APs (including state departments) to indicate that the report has been made available for comments and that state departments have 40 days within which to comment. As such, if the state department fails to comment on the report within 40 days or 60 days as the case may be, it will be regarded as though the state department will not be providing comments on the draft reports to the CA.

Note: Draft reports must first be submitted to the CA before making it available to registered I&AP's for comment. However, in the case of final reports, registered I&APs must be afforded a reasonable opportunity to comment on the report before submission to the CA.

It must be noted that any reference to days means calendar days. When a period of days must be reckoned from or after a particular day, that period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday. The period of 15 December to 2 January must be excluded in the reckoning of days. Where a timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holidays falling within that timeframe. Public participation must not take place during the period of 15 December to 2 January.

Where a timeframe is affected by one or more public holidays that will affect work days, the timeframe must be extended by the number of public holiday days falling within that timeframe e.g. if the CA must accept and acknowledge a BAR within 14 days and the Monday and Tuesday falling within that 14 day period are public holidays, the time period is extended by two days to cater for the public holidays.

5 GUIDANCE ON THE LEVEL OF PUBLIC PARTICIPATION

The minimum requirements for public participation outlined in the EIA Regulations will not necessarily be sufficient for all applications. This is because the circumstances of each application are different, and it may be necessary in some situations to incorporate extra steps in the public participation process. This section provides guidance for deciding on the required level of public participation.

Three categories of variables need to be taken into account when deciding on the level of public participation and the process to be followed:

- the scale of anticipated impacts of the proposed project;
- the sensitivity of the affected environment and the degree of controversy of the project; and
- the characteristics of the potentially affected parties.

Where I&APs include rural or historically disadvantaged communities or people with special needs (e.g. illiteracy, disability, or any other disadvantage), the following could, *inter alia*, be considered to facilitate their participation or overcome potential constraints:

- Announcing the public participation process on a local radio station in a local language, at an appropriate time (e.g. peak hours);
- Using participatory rural appraisal and participatory learning and action approaches to build the capacity of the I&APs to engage and participate more effectively;
- Specific approaches to existing community structures, committees and leaders;
- Holding public meetings at times and venues suitable to the community;
- Holding separate meetings with vulnerable and marginalised groups;
- appropriate access to information must be provided; and
- reasonable assistance to people with special needs must be provided.

The following aspects need to be considered in this regard:

Scale of anticipated impacts:
Are the impacts of the project likely to extend beyond the boundaries of the local municipality?
Are the impacts of the project likely to extend beyond the boundaries of the province?
Is the project a greenfields development (a new development in a previously undisturbed area)?
Does the area already suffer from socio-economic problems (e.g. job losses) or environmental problems (e.g. pollution), and is the project likely to exacerbate these?
Is the project expected to have a wide variety of impacts (e.g. socio-economic and ecological)?
Public and environmental sensitivity of the project:
Are there widespread public concerns about the potential negative impacts of the project?
Is there a high degree of conflict among I&APs?
Will the project impact on private land other than that of the applicant?
Does the project have the potential to create unrealistic expectations (e.g. that a new factory would create a large number of jobs)?
Potentially affected parties:
Has very little previous public participation taken place in the area?
Did previous public participation processes in the area result in conflict?
Are there existing organisational structures (e.g. local forums) that can represent I&APs?
What is the literacy level of the community in terms of their ability to participate meaningfully within the public participation process?
Is the area characterised by high social diversity (i.t.o. socio-economic status, language or culture)?
Were people in the area victims of unfair expropriations or relocation in the past?
Is there a high level of unemployment in the area?
Do the I&APs have special needs (e.g. a lack of skills to read or write, disability, etc)?

In addition to the above variables, the nature and state of the I&APs determines which of the following public participation mechanisms is most appropriate to use -

- Public meetings and open days

- Conferences
- Press releases
- Questionnaires or opinion surveys
- Information desks and/or info lines (helpline)
- Meetings/workshops with constituencies (e.g. national standing committees, non-government organisations / community based organisations)

6 INTERESTED AND AFFECTED PARTIES

7.1 Distinction between I&APs and registered I&APs

The Regulations distinguish between I&APs and registered I&APs. I&APs include: (a) any person, group of persons or organisation interested in or affected by an activity; and (b) any organ of state that may have jurisdiction over any aspect of the activity.

On the other hand, "*registered interested and affected parties*" means an interested and affected party whose name is recorded in the register opened for that application.

In this case, only registered I&APs:

- will be notified of the availability of reports and other written submissions made (or to be made) to the CA by the applicant, and be entitled to comment on these reports and submissions; and
- will be notified of the outcome of the application, the reasons for the decision, and that an appeal may be lodged against a decision.

For purposes of an application, an EAP must open and maintain a register which contains the names, contact details and addresses of-

- (a) all persons who have submitted written comments or attended meetings with the applicant or EAP;
- (b) all persons who have requested the applicant or EAP, in writing, for their names to be placed on the register; and
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

An EAP must give access to the register to any person who requests this in writing.

7.2 Access and opportunity to comment on all written submissions

Before submission of the final report to the CA, registered I& AP's must be afforded a reasonable opportunity to comment on the final report. A registered I&AP is entitled to comment on all written submissions made to the competent authority by the applicant or the EAP managing an application, and to bring to the attention of the competent authority any issues which the registered I&AP believe may be of significance in the consideration of the application, provided that:

- (a) comments are submitted within the specified timeframes or any extension of a timeframe agreed to by the applicant or EAP;

- (b) a copy of comments submitted directly to the competent authority is served on the applicant or EAP; and
- (c) the I&AP discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.

7.3 List of reports to be commented on by Registered I&APs

Before awarding the I&APs an opportunity to comment, the EAP must submit the following **draft versions** of the report to the CA:-

- basic assessment reports;
- basic assessment reports amended and resubmitted;
- scoping reports;
- scoping reports amended and resubmitted;
- specialist reports and reports on specialised processes compiled;
- environmental impact assessment reports submitted;
- environmental impact assessment reports amended and resubmitted; and
- draft environmental management programmes compiled.

Written comments on draft reports submitted by I&APs must be recorded by the EAP. I&APs must submit written comments on final reports to the CA and provide a copy of such comments to the applicant or EAP.

7.4 Responding to comments

It is best practice that all comments received from I&APs are acknowledged by the EAP, with the EAP indicating how the comments received will be responded to (even if just referring to the fact that a response will be contained in the "comments & response report"). Comments and responses must be recorded in the comments and response report that is submitted with the BAR or S&EIR reports.

Note: The EAP is responsible for ensuring that the issues raised by I&APs are addressed in an objective manner. Where issues are not accepted, the reasons for this must be provided in the comments and response report.

7.5 Disclosure of I&APs' interests

I&APs must disclose any direct business, financial, personal or other interests which they may have in the approval or refusal of an application.

7.6 Notifying I&APs of the Department's Decision

The applicant must, in writing, within 12 days of the date of the decision, notify all registered I&APs of the outcome of the application and the reasons for the decision, and draw their attention to the fact that an appeal may be lodged against the decision.

The applicant must also draw the attention of all registered interested and affected parties to the manner in which they can access the decision.

The applicant must also publish a notice -

- (i) informing interested and affected parties of the decision;
- (ii) informing interested and affected parties where the decision can be accessed; and
- (iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision, if such appeal is available under the circumstances of the decision,.

8 APPLICATIONS FOR EXEMPTIONS / DEVIATIONS FROM PROVISIONS OF THE REGULATIONS

The EIA Regulations make provision for permission to be requested from the CA to deviate from the specific requirements such as giving notice to potential I&APs. Such permission must be obtained before the deviation can be proceeded with.

Public participation process is considered so important that it is the only requirement for which exemption cannot be given. It is important to note that exemption to apply for any listed activity that may be triggered in terms of these regulations will not be granted. The applicant or EAP must first submit a notice of his or her intention to apply for exemption to the CA and I&APs, and then submit the exemption application to the CA (notification and submission of an application may also happen simultaneously).

9 AMENDMENTS OF ENVIRONMENTAL AUTHORISATIONS

If a holder of an environmental authorisation applies for amendment of an authorisation that is considered to be substantial (i.e. if the proposed amendment is likely to adversely affect the environment or the rights or interests of other parties), the applicant must, to the extent indicated by the CA, conduct a public participation process, open and maintain a register of I&APs, and give registered I&APs an opportunity to submit comments on any reports prepared on the investigations and assessments undertaken for the proposed amendment. This will however depend on the time that has lapsed since the original public participation period. The specific requirements in each instance must be confirmed with the relevant CA.

If the CA on its own initiative intends to substantively amend an environmental authorisation, the CA will notify, in writing, the holder of the authorisation of this and give him/her an opportunity to comment on the proposed amendment. The CA must, where necessary, also conduct a public participation process that may be appropriate to the application.

10 LAPSING OR DELAYS

In terms of the EIA Regulations, an application lapses if the applicant, after having submitted the application, fails for a period of six months, to comply with a requirement of the Regulations relating to the consideration of the application. An EAP must inform the registered interested and affected parties if the application has lapsed or if the CA has accepted delays caused on an application. It is good practice, for example, if an applicant or EAP submits an application and 6 months is about to lapse without any further correspondence by the applicant in terms of submitting the reports to that application, that the CA informs the applicant or EAP that the application will lapse if no action is taken after 6 months.

11 DISQUALIFICATION OF EAP

The regulations require the applicant to appoint an EAP at own cost to manage the application. The regulations also set out general requirements for EAPs compiling specialist reports, and clearly indicate that EAP should be independent and objective in undertaking the EIA process. If the CA at any stage of considering an application believes that the EAP or specialist may not comply with the requirements in terms of the regulations, the CA must:

- notify the EAP and applicant that the application has been suspended until the matter is resolved and the reasons therefore; and
- afford the EAP and applicant an opportunity to make representations to the CA, in writing.

If after consideration of the matter, the CA is still not convinced that the EAP is independent, the CA must in writing inform the EAP and applicant, and may:

- refuse to accept any further reports or inputs from the EAP;
- request the applicant to commission an external review at own cost;
- request appointment of another EAP at own cost; or
- request the applicant to undertake remedial actions.

Anyone may inform the authority of suspected non-compliance by the EAP and the CA will then have to investigate such allegations. The competent authority will also be carrying out the compliance and monitoring activities to ensure that the applicant is complying with the conditions of the environmental authorisation, if it's issued.

12 CONCLUSION

Public participation is the most important process in environmental impact assessment. It allows interested and affected parties the opportunity to give their viewpoint, influence the process and inform the competent authority to make appropriate environmental decisions. It is important to note that there is no exemption to undertake public participation process in the EIA because people have a right to be informed about potential decisions that may affect them and to be afforded an opportunity to influence those decisions. However, applicants may apply for exemption from certain provisions in the public participation process.

The whole process of public participation is to ensure that there is an alignment between the scope of the public participation and the potential impact of a proposed application to be balanced and aligned with the realities of the application. The guideline will be revised on a regular basis or when there is a need arise. The success will depend largely on good cooperation between all affected stakeholders.

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