

ENVIRONMENT CONSERVATION ACT 73 OF 1989

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

Published under Government Notice R1182 in *Government Gazette* 18261 of 5 September 1997 and amended by:

GN R1355	GG 18362	17/10/97
GN R448	GG 18783	27/3/98
GN R670	GG 23401	10/5/2002
GN R782	GG 23485	7/6/2002 (Correction notice)

I, Zweledinga Pallo Jordan, Minister of Environmental Affairs and Tourism, after consultation with the Minister of each department of State responsible for the execution, approval or control of such activities, the Minister of Finance and the competent authorities of the provinces, hereby under [section 21](#) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), identify the activities in Schedule 1 in general as activities which may have a substantial detrimental effect on the environment.

I further determine that this notice will commence in respect of different activities on the dates indicated in Schedule 2: Provided that this Notice is not applicable to an activity that was commenced with before the date of commencement fixed in respect of that activity as indicated in the said Schedule.

[Second paragraph amended by GN R1355/97]

Z. P. JORDAN

Minister of Environmental Affairs and Tourism

SCHEDULE 1

1. The construction, erection or upgrading of -
 - (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;
 - (b) nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels and wastes;
 - (c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation -
 - (i) infrastructure, excluding road and rail, for the transportation of any such substance; and
 - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
 - (d) roads, railways, airfields and associated structures;
 - (e) marinas, harbours and all structures below the high-water mark of the sea and marinas, harbours and associated structures on inland waters;
 - (f) above ground cableways and associated structures;
 - (g) structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes;
 - (h) racing tracks for motor-powered vehicles and horse racing, but not including indoor tracks;

- (i) canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments;
- (j) dams, levees and weirs affecting the flow of a river;
- (k) reservoirs for public water supply;
- (l) schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes;
- (m) public and private resorts and associated infrastructure;
- (n) sewage treatment plants and associated infrastructure;
- (o) 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.

[Item 1 substituted by GN R670/2002 and paragraph numbering corrected by GN R782/2002]

2. The change of land use from-

(a)

[Para. (a) deleted by GN R448/98]

(b)

[Para. (b) deleted by GN R448/98]

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

[Para. (c) substituted by GN R670/2002]

(d) use for grazing to any other form of agricultural use; and

(e) use for nature conservation or zoned open space to any other land use.

3. The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture.

[Item 3 substituted by GN R670/2002 and corrected by GN R782/2002]

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.

6. The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.

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

[Item 7 substituted by GN R670/2002]

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.

[Item 8 substituted by GN R670/2002]

9. Scheduled processes listed in the [Second Schedule](#) to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).

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

[Item 10 added by GN R670/2002]

11. In these Regulations, unless the context indicates otherwise

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

“road” means -

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

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

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

[Item 11 added by GN R670/2002]

SCHEDULE 2

Item number in Schedule 1	Date of commencement
1 (a) (b) (d) (e) (f) (h) (m); 7	8 September 1997
1 (g) (o); 3; 4; 5; 6	5 January 1998
1 (c) (i) (j) (k) (l) (n); 8; 9	2 March 1998
2 (a) (b) (c) (d) (e)	1 April 1998