

No. 394

4 May 2007

**AMENDMENT OF LIST OF ACTIVITIES AND COMPETENT AUTHORITIES
IDENTIFIED IN TERMS OF SECTIONS 24(2) AND 24D OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT ACT, 1998**

The Minister of Environmental Affairs and Tourism, Marthinus van Schalkwyk, MP, hereby publishes an amendment to the List of Activities and Competent Authorities Identified in terms of Sections 24(2) And 24D of the National Environmental Management Act, 1998 published in Government Notice No. R. 386 of 21 April 2006. More details are set out in the explanatory memorandum and the attached Schedule.

Written comments and inputs are invited from interested parties and the general public, which must be submitted to:

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**THE CLOSING DATE FOR COMMENTS IS 4 JUNE 2007. COMMENTS
RECEIVED AFTER THE CLOSING DATE MAY NOT BE CONSIDERED.**

EXPLANATORY MEMORANDUM

The Minister of Environmental Affairs and Tourism has in terms of section 24(5) read with section 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("the Act"), made the Environmental Impact Assessment Regulations, 2006, published in Government Notice No. R. 385 of 2006.

The Minister has furthermore, published, in Government Notice No. R. 386 of 2006, a list of activities identified in terms of section 24(2)(a) and (d) of the Act, which may not commence without environmental authorisation from the competent authority and in respect of which the investigation, assessment and communication of potential impact of activities must follow the procedure as described in regulations 22 to 26 of the Environmental Impact Assessment Regulations, 2006, promulgated in terms of section 24(5) of the Act.

The Minister has furthermore, published, in Government Notice No. R. 387 of 2006, a list of activities identified in terms of section 24(2)(a) and (d) of the Act, which may not commence without environmental authorisation from the competent authority and in respect of which the investigation, assessment and communication of potential impact of activities must follow the procedure as described in regulations 27 to 36 of the Environmental Impact Assessment Regulations, 2006, promulgated in terms of section 24(5) of the Act.

The Environmental Impact Assessment Regulations, 2006 are currently implemented by both the provincial and national spheres of government. Since the time when the regulations came into effect, vast amounts of enquiries in respect of these regulations, as well as a number of implementation workshops held with provinces, highlighted a number of amendments that are necessary to the NEMA EIA regulations. Such proposed amendments range from purely editorial corrections and augmenting certain definitions to specific amendments to certain listed activities in order to clarify which activities should be included to

undergo an assessment process or the exclusion of certain listed activities which should not undergo an assessment process.

The Minister of Environmental Affairs and Tourism, after consultation with the relevant competent Provincial Authorities, hereby publishes for public comment proposed amendments to the List of Activities and Competent Authorities Identified in terms of Sections 24(2) And 24D of the National Environmental Management Act, 1998 published in Government Notice No. R. 386 of 21 April 2006.as set out in the Schedule. For convenience the previous list with the amendments included and indicated are published. Once promulgated the newly published notice will replace the previous notice.

[] Words in bold type in square brackets indicate omissions from existing enactments.

“__” Words underlined with a solid line indicate insertions in existing enactments

SCHEDULE

Definitions

1. In this Notice, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates -

“agri-industrial” means an undertaking involving the beneficiation of primary agricultural produce; **[production, processing, manufacture, packaging or storage of agricultural produce and includes battery farm operations that are under roof]**

“aquaculture” means the farming of animals or plants in an aquatic environment;

“asbestos” means any fibrous mineral silicates, including actinolite, amosite, anthophyllite, chrysotile, crocokolite or tremolite;

“associated structures or infrastructure” means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility;

“canal” means an open structure that is lined or reinforced for the conveying of a liquid or that serves as an artificial watercourse;

“**channel**” means an excavated hollow bed for running water or an artificial underwater depression to make a water body navigable or to improve the flow of water in a natural stream, river or the sea;

“**concentration of animals**” means the keeping of animals in a confined space or structure, including a feedlot, where they are fed in order to prepare them for slaughter or to produce secondary products such as milk or eggs;

“**construction**” means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of an activity; **[building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure]**

“**cultivate**” in relation to land, means any act by means of which the topsoil is disturbed mechanically;

“**dangerous goods**” means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, SANS 10228:2003, edition 3, published by Standards South Africa, ISBN 0-626-14417-5, as may be amended from time to time;

“**decommissioning**” means to take out of active service, permanently or dismantling partly or wholly, or closure of a facility to the extent that it can not be readily re-commissioned;

“derelict land” means abandoned land or property where the lawful/legal right has not been exercised during the preceding ten year period;

“development setback” means a building line in terms of zoning scheme regulations or a building line determined in terms of development approval conditions or a building line determined in terms of approval conditions included in previous authorisations, rezoning or subdivision approvals and which must be scientifically motivated;

“expansion” means the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the production, treatment, storage or capacity of the facility is increased;

“floodplain” means the area below the 1:10 year floodline or if the floodline is not determined, [1:10 year flood line,] 32m from the bank of the river; [a discernable flat landscape feature next to a river or stream that was created by weathering and sedimentation over time]

“high-water mark” means the highest line reached by the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;

“indigenous vegetation” means de facto indigenous and invasive vegetation, which has not been transformed or cultivated at no time during the preceding ten years;

“infill development” means urban development, including residential, commercial, retail, institutional, educational and mixed use development, but excluding industrial development, in a built up area which is at least 50 percent abutted by urban development **[and which can be readily connected to municipal bulk infrastructure services];**

“mariculture” means the culture or husbandry of fish in sea water;

“mine” when used as a noun or a verb as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mineral” means a mineral as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“mining area” means an area as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mining permit” means a permit as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“mixed use”, with regard to an activity, means the presence of two or more types of land use in an area;

“petroleum” means any liquid, solid hydrocarbon or combustible gas as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“phased development” means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity through interconnected internal vehicular or pedestrian circulation, sharing of infrastructure, or the continuum of design, style or concept by the same proponent or his or her successors.

“prospecting” means prospecting as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“prospecting area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“prospecting right” means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“reconnaissance permit” means a permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“resort” means overnight tourism accommodation of more than 15 beds, excluding conversion of existing structures, on a site separate from an established homestead footprint, and where such accommodation is associated with tourism activities;

“retention area” means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“retention permit” means a permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

“sea” means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon;

“slaughter unit” in relation to a quantity standard for determining throughput, means the definition as defined in Regulation 1028 of the Animal Slaughter, Meat and Animal Product Hygiene Act, 1967;

["South African Manual for Outdoor Advertising Control" means the Department of Environmental Affairs and Tourism and the Department of Transport publication titled "South African Manual for Outdoor Advertising Control", published by the Department of Environmental Affairs and Tourism, April 1998, ISBN: 0-621-27343-0;]

"temporary storage of hazardous waste" means the storage of hazardous waste for a period of 90 days or less;

"the Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"the regulations" means the Environmental Impact Assessment Regulations, 2006;

"transformation" means physically altering the structure, function or current use;

"undeveloped" means that no installations or construction has been effected upon and below ground, consistent with the lawful land use right, during the preceding ten year period;

"urban areas" means areas situated within the urban edge (as defined by the relevant competent provincial authority), or in instances where no urban edge/boundary has been officially demarcated, it refers to areas situated within the edge of built-up areas;

"vacant" means not occupied for the purpose of its lawful land use right namely residential, mixed, retail, commercial, industrial or institutional use during the preceding ten year period;

“virgin soil” means land which has at no time during the preceding ten years been cultivated; and

“wetland” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

SCHEDULE

ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) [AND (d)] OF THE ACT, WHICH MAY NOT COMMENCE WITHOUT ENVIRONMENTAL AUTHORISATION FROM THE COMPETENT AUTHORITY AND IN RESPECT OF WHICH THE INVESTIGATION, ASSESSMENT AND COMMUNICATION OF POTENTIAL IMPACT OF ACTIVITIES MUST FOLLOW THE PROCEDURE AS DESCRIBED IN REGULATIONS 22 TO 26 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2006, PROMULGATED IN TERMS OF SECTION 24(5) OF THE ACT -

Activity number	Activity description	Identification of competent authority
1	<p>The construction of facilities or infrastructure, [including associated structures or infrastructure], for –</p> <p>(a) the generation of electricity where:</p> <p style="padding-left: 20px;">(i) <u>electricity output is more than 10 megawatts but less than 20 megawatts;</u></p> <p style="padding-left: 20px;">(ii) <u>where the output is less than 10 megawatts but the total extent of the facility covers an area in excess of 1ha;</u></p> <p>(b) the above ground storage of 1 000 tons or more but less than 100 000 tons of ore;</p>	<p>The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of</p>

	<p>(c) the storage of 250 tons or more but less than 100 000 tons of coal;</p> <p>(d) resorts, lodges, hotels or other tourism and hospitality facilities <u>of any size</u> in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);</p> <p>(e) <u>resorts, excluding where such resorts are located in urban areas;</u></p> <p>(f) 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 <u>outside urban areas;</u></p> <p>(g) <u>for sport spectator purposes</u> with the capacity to hold 8 000 spectators or more;</p> <p>(h) the slaughter of:</p> <p>(i) <u>poultry exceeding 50 poultry per day</u></p> <p>(ii) <u>game and red meat exceeding 2 slaughter units per day;</u></p> <p>(i) the concentration of animals for the purpose of commercial production in densities that exceed -</p> <p>(i) 20 square metres per head of</p>	<p>the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended.</p>
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	<p>cattle and more than 500 head of cattle per facility per year;</p> <p>(ii) eight square meters per sheep and more than 1 000 sheep per facility per year;</p> <p>(iii) eight square metres per pig and more than 250 pigs per facility per year excluding piglets that are not yet weaned;</p> <p>(iv) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months;</p> <p>(v) <u>15 birds per square meters and more than 500 chickens per facility at any time, excluding chicks younger than 20 days or 5 birds per square meters and more than 500 other poultry per facility at any time, excluding chicks younger than 20 days; [three square metres per head of poultry and more than 250 poultry per facility at any time, excluding chicks younger than 20 days;]</u></p> <p>(vi) three square metre per rabbit [at] and more than 250 rabbits per facility at any time; or</p> <p>(vii) 100 square metres per ostrich <u>or emu</u> and more than 50 ostriches or emus per facility per year or 2500 square metres per breeding pair;</p>	
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	<p>(j) aquaculture production, including ariculture and algae farms, with a product throughput of 10 000 kilograms, <u>design capacity and wet weight</u>, or more per year;</p> <p>(k) agri-industrial purposes <u>relating to beneficiated produce</u>, outside areas with an existing land use zoning for industrial purposes, that cover an area of 1 000 square metres or more;</p> <p>(l) the bulk transportation of sewage and water, including storm water, in pipelines <u>exceeding 100 metres in length, situated outside urban areas, with -</u></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>(m) the transmission and distribution of electricity above ground with a capacity of <u>less [more] than [33] 131 kilovolts [and less than 120 kilovolts]</u>;</p> <p>(n) any purpose in the one in ten year flood line of a river, <u>[or] stream or wetland</u>, or within 32 metres, <u>whichever is the greater</u>, from the bank of a river; <u>[or] stream or wetland [where the flood line is unknown]</u>, excluding purposes associated with existing</p>	
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	<p>residential use, but including -</p> <ul style="list-style-type: none">(iii) canals;(iv) channels;(v) bridges;(vi) dams; [and](vii) weirs; <u>and</u>(viii) <u>stormwater outlet structures</u> <p>(o) 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>(p) 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> <p>(q) the temporary storage of hazardous waste <u>for less than 90 days</u>;</p> <p>(r) [the landing, parking and maintenance of aircraft including -] <u>helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services, or aircraft landing</u></p>	
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	<p><u>strips shorter than 1,4km;</u></p> <ul style="list-style-type: none">(i) [helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services;(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>(s) the <u>recreational use and outdoor racing, excluding on temporary tracks, of motor powered vehicles</u> [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>(t) the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than [2] 5 000 cubic metres but less than [15] 50 000 cubic metres;</p>	
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	<p>(u) marinas and the launching of watercraft on inland fresh water systems;</p> <p>(v) above ground cableways and funiculars;</p> <p>(w) <u>advertising purposes exceeding 1,8 square meters in size, outside urban areas;</u> [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 Control;]</p> <p>(x) <u>the storage and handling of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where such storage occurs in containers with a combined capacity of more than 20 but less than a 1000 cubic metres.</u></p>	
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2	<p>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; <u>or</u>(h) <u>rock revetments and other stabilising structures, but excluding construction on erven within existing urban areas if such construction will occur behind an approved development setback line.</u>
3	<p>The prevention of the free movement of sand, [including] erosion [and] <u>or</u> 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, <u>excluding where the prevention of free movement of sand will occur on erven within existing urban areas if such prevention will occur behind an approved development setback line;</u></p>

4	<p>The dredging, <u>excluding maintenance dredging</u>, 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] <u>in the one in ten year flood line of a river, stream or wetland, or within 32 metres, whichever is the greater, from the bank of a river; stream or wetland.</u></p>	
5	<p>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, <u>but excluding where such removal or damage will occur on vacant erven within existing urban areas behind an approved development setback line.</u></p>	
6	<p>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, <u>but excluding where such excavation, moving, removal, depositing or compacting will occur on erven within existing urban areas behind an approved development setback line.</u></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.]	
<u>7</u> [8]	Reconnaissance, prospecting, mining or retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), in respect of such permissions, rights, permits and renewals thereof.	The competent authority for this part of the schedule is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended.
<u>8</u> [9]	In relation to permissions, rights, permits and renewals granted in terms of 8 above, or any other similar right granted in terms of previous mineral or mining legislation, the undertaking of any prospecting or mining related activity or operation within a prospecting, retention or mining area, as defined in terms of section of 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	
<u>9</u> [10]	The establishment of cemeteries <u>and the expansion thereof with more than 500 square metres.</u>	The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which
<u>10</u> [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.	

<u>11</u> [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).	the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of the Act, in which case the
<u>12</u> [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.	competent authority is the Minister or an organ of state with
<u>13</u> [14]	<p>The construction of masts of any material or type used [and of any height, including those used] for telecommunication broadcasting or [and] radio transmission purposes where the mast or tower structure: [, but excluding -]</p> <p>(a) <u>is to be placed on a site not previously used for this purpose, or</u></p> <p>(b) <u>will exceed 15 metres in height.</u></p> <p>[masts of 15 metres and lower exclusively used</p> <p>(i) by radio amateurs; or</p> <p>(ii) for lighting purposes</p> <p>(c) flag poles; and</p> <p>(d) lightning conductor poles].</p>	delegated powers in terms of section 42(1) of the Act, as amended.

<u>14 [15]</u>	<p>The construction of a road <u>with a reserve wider than 6 meters but less than 30 meters</u>, and the construction of roads for which an <u>environmental authorisation was obtained in terms of Listing Notice 387, activity number 5, excluding roads situated within urban areas.</u> [that is wider than 4 metres or that has a reserve wider than 6 metres, that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.]</p>	
<u>15 [16]</u>	<p>The transformation of undeveloped, vacant or derelict land to –</p> <ul style="list-style-type: none">(a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or(b) 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; <u>or</u>(c) <u>cultivation of virgin soil where the total area to be transformed is bigger than 5 hectares.</u>	

16 [17]	<p>Phased activities, <u>which commenced after 3 July 2006 but excluding regulation 386 activities 1(a)-(c), 1(e)-(j), 1(n), 1(o), 1(s), 7 and 19 and the counterparts of each of these activities included in this notice</u>, 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>	
[18]	<p>[Subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.]</p>	
17 [19]	<p>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>	
18 [20]	<p>The transformation of an area zoned for use as public open space or for a conservation purpose to another use.</p>	
19 [21]	<p>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>	

20 [22]	The release of any organism outside its natural area of distribution that is to be used for biological pest control.	
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21 [23]	<p>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 -</p> <ul style="list-style-type: none">(a) electricity generation <u>with a threshold of 10MW;</u>(b) nuclear reactors and storage of nuclear fuel;(c) 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;(d) the disposal of waste;(e) the treatment of effluent, wastewater and sewage with an annual throughput capacity of 15 000 cubic metres or more;(f) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or(g) the recycling, handling, temporary storage or treatment of hazardous waste.	
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22 [24]	<p>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> <ul style="list-style-type: none"> (a) electricity generation; (b) nuclear reactors and nuclear fuel storage; or (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. 	
23 [25]	<p><u>The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license required in terms of national or provincial legislation governing the release of emissions, pollution, effluent.</u></p> <p>[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>	

<u>24</u>	<p><u>The expansion of facilities for:</u></p> <p>(a) <u>the generation of electricity where:</u></p> <p><u>(i) electricity output of the original facility</u> <u>was more the 10 megawatts;</u></p> <p><u>(ii) where the output of the original</u> <u>facility was less than 10 megawatts</u> <u>or where the original facility covered</u> <u>an area in excess of 1ha;</u></p> <p>(b) <u>the above ground storage of ore where</u> <u>the capacity of the original facility exceeded</u> <u>a 1 000 tons;</u></p> <p>(c) <u>the above ground storage of coal where</u> <u>the capacity of the original facility exceeded</u> <u>250 tons;</u></p>	
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<u>24</u>	<p>(d) <u>agri-industrial purposes, outside areas with an existing land use zoning for industrial purposes, that cover an area of 1 000 square metres or more, if the indented expansion will cover more than 500 square metres;</u></p> <p>(e) <u>any purpose in the one in ten year flood line of a river, stream or wetland, or within 32 metres, whichever is the greater, from the bank of a river; stream or wetland, excluding purposes associated with existing residential use, but including -</u></p> <ul style="list-style-type: none">(i) <u>canals;</u>(ii) <u>channels;</u>(iii) <u>bridges;</u>(iv) <u>dams;</u>(v) <u>weirs; and</u>(vi) <u>stormwater structures;</u> <p>(f) <u>the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres;</u></p>	
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(g) the storage and handling of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where such storage occurs in containers with a combined capacity of more than 20 cubic metres;

(h) masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, where the intended expansion of the mast will result in a change to the existing height or type of the mast;

(i) earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –

(i) facilities for the storage of material and the maintenance of vessels;

(ii) fixed or floating jetties and slipways;

(iii) tidal pools;

(iv) embankments;

(v) stabilising walls;

(vi) buildings;

(vii) infrastructure; or

(viii) rock revetments and other stabilising structures, but

excluding construction on erven within existing urban areas if such construction will occur behind an approved development setback line.

<u>24</u>	<p>(j) <u>the refining of gas, oil and petroleum products;</u></p> <p>(k) <u>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;</u></p> <p>(l) <u>the use, recycling, handling, treatment, storage beyond 90 days or final disposal of hazardous waste;</u></p> <p>(m) <u>the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives;</u></p> <p>(n) <u>the extraction or processing of natural gas including gas from landfill sites, but excluding from marine environments;</u></p>	
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(o) the bulk transportation of dangerous goods, outside an industrial complex or zone, using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day;

(p) landing, parking and maintenance of aircraft, excluding helicopter landing pads, but including -

- (i) airports;
- (ii) runways;
- (iii) waterways;
- (iv) structures for engine testing; or
- (v) unpaved landing strips which were originally longer than 1,4 kilometres in length;

(q) the transmission and distribution of above ground electricity with a capacity of 132 kilovolts or more;

(r) marine telecommunications;

(s) the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day;

<u>24</u>	<p>(t) <u>the final disposal of general waste covering an area of 100 square metres or more or 200 cubic metres or more of airspace;</u></p> <p>(u) <u>the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue;</u></p> <p>(v) <u>the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent;</u></p> <p>(w) <u>any purpose where lawns, playing fields or sports tracks will be established, where the original facility covered an area of 10 hectares or more.</u></p>	
<u>25</u>	<p><u>The expansion of a road where the original reserve was wider than 6 meters but less than 30 meters; and the expansion of roads which obtained an environmental authorisation in terms of Listing Notice 387, activity number 5.</u></p>	

<u>26</u>	<u>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 metres or higher or where the high-water mark of the dam originally covered an area of 10 hectares or more.</u>	
<u>27</u>	<u>The expansion of 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), where the total existing development footprint will be expanded.</u>	

<u>28</u>	<p><u>The expansion of 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 –</u></p> <ul style="list-style-type: none"><u>(1) facilities associated with the arrival and departure of vessels and the handling of cargo;</u><u>(2) piers;</u><u>(3) inter- and sub-tidal structures for entrapment of sand;</u><u>(4) breakwater structures;</u><u>(5) coastal marinas;</u><u>(6) coastal harbours;</u><u>(7) structures for draining parts of the sea;</u><u>(8) tunnels; or</u><u>(9) underwater channels, but</u> <p><u>excluding construction on erven within existing urban areas if such construction will occur behind an approved development setback line.</u></p>	
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