

**NOTICE 166 OF 2009****DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)****LISTING NOTICE 1: LIST OF ACTIVITIES AND COMPETENT AUTHORITIES IDENTIFIED IN TERMS OF SECTIONS 24(2) AND 24D**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby, under section 47(1), publish for public comment, the draft Listing Notice 1 of the activities and competent authorities identified in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998, in the Schedule.

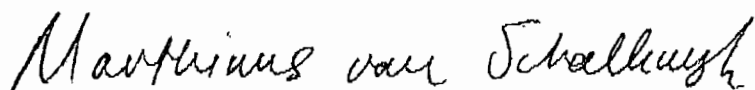
Any person who wishes to submit written representations or comments in connection with the draft regulations are invited to do so within 30 days of the date of this notice. All written representations and comments must be submitted in writing to the Director-General of the Department of Environmental Affairs and Tourism:

By post to:           The Director-General: Environmental Affairs and Tourism  
                          Attention: Mrs. Amanda Britz  
                          Private Bag X447  
                          Pretoria, 0001

Delivered to: The Department of Environmental Affairs and Tourism  
Attention: Mrs. Amanda Britz  
Fedsure Building  
South Tower Room  
315 Pretorius Street  
**PRETORIA**

By fax to: (012) 3103688, and by e-mail to [abritz@deat.gov.za](mailto:abritz@deat.gov.za)

Comments received after the closing date may not be considered.



**MARTHINUS VAN SCHALKWYK**  
**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

## **SCHEDULE**

### **PURPOSE**

1. The purpose of this Notice is to identify activities and competent authorities in terms of sections 24(2) and 24D of the National Environmental Management Act, 1998 that would require environmental authorisation in specific identified geographical areas only.

### **DEFINITIONS**

2. (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;

**“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 in a natural watercourse, 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 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;

**“dam”** when used in these Regulations means any barrier dam and any other form of impoundment used for the storage of water;

**“dangerous goods”** means goods 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 System (GHS)” published by Standards South Africa;

**“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;

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

**“development footprint”**, in respect of land, means any evidence of physical transformation as a result of the undertaking of any activity;

**“development setback”** means a setback line as defined or adopted by the competent authority and where none has been defined or adopted it will be assumed that no setback line applies;

**“effluent”** means wastewater from any source;

**“expansion”** means 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 activity is increased;

**“indigenous vegetation”** refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years;

**“industrial area”** means an area used or zoned for bulk storage, manufacturing, processing or packaging purposes;

**“linear activities”** include railways, roads, funiculars, pipelines, conveyor belts, cableways, powerlines, fences, runways, landing strips, and telecommunication lines;

**“marina”** means a constructed waterway that is normally associated with residential or commercial use and that could include mooring facilities;

**“maintenance dredging”** when used in this Regulation means a dredging activity which reoccurs on a regular basis for operational purposes in ports, marinas or harbours;

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

**“phased activities”** 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;

**“sewage”** means effluent from a domestic source which is conveyed by sewer to a wastewater treatment plant;

**“slaughter unit”** in relation to a quantity standard for determining throughput, has the meaning assigned to it in the Animal Slaughter, Meat and Animal Product Hygiene Act, 1967 (Act No.87 of 1967);

**“the Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**“transformation”** means the physical alteration of the land use as a result of the undertaking of any activity;

**“undeveloped”** means that no facilities, structures or infrastructure have previously been effected upon the land or property, either above or below ground, to give effect to the lawful land use right of the land or property right namely residential, mixed, retail, commercial, industrial or institutional use during the preceding ten years;

**“urban areas”** means areas situated within the urban edge (as defined or adopted by the competent authority), or in instances where no urban edge or boundary has been defined or adopted, 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;

**“watercourse”** means -

- (a) a river or spring;
  - (b) a natural channel in which water flows regularly or intermittently;
  - (c) a wetland, lake or dam into which, or from which, water flows; and
  - (d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse,
- and a reference to a watercourse includes, where relevant, its bed and banks;  
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.

- (2) The following words relevant to aquaculture activities will have the meaning so assigned hereunder:

**“aquaculture”** means the farming of aquatic organisms including fish, molluscs, crustaceans and plants in controlled or selective aquatic environments, with some form of intervention in the rearing process to enhance production, such as regular stocking, feeding and protection from natural predators;

**“cage culture”** means the practice of aquaculture within a defined pen or net cage or structure that is contained within a larger water body;

**“exotic”** means all species not naturally found in South Africa or which has been introduced into South Africa by human intervention;

**“extralimital”** means species that occur within South Africa but which have been introduced into areas where they do not occur naturally; i.e. outside of their natural distribution range;

**“finfish”** means an aquatic vertebrate of the super-class Pisces;

**“naturalized distribution range”** means the distribution range occupied by an exotic or extralimital species in which it has established a reproducing population.

- (3) The following words will have the meaning assigned hereunder until such time as the national legislation providing for waste management

has come into effect, whereafter the definitions will be substituted by the applicable definitions of that legislation:

**“hazardous waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

**“temporary storage of hazardous waste”** means the storage of hazardous waste for a period of 90 days or less;

**“waste”** means any substance, whether or not that substance can be reduced, reused, recycled and recovered, that –

- (i) is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (ii) the generator has no further use of for the purposes of production, reprocessing or consumption;
- (iii) that must be treated or disposed of; or
- (iv) is identified as a waste by the Minister:

Provided that a by-product shall not be considered to be waste and provided further that any portion of waste once reduced, reused, recycled or recovered ceases to be waste.

- (4) The following words will have the meaning assigned to them in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)—

- (a) “mine”;
- (b) “mineral”;
- (c) “mining permit”;
- (d) “prospecting”;
- (e) “prospecting right”;



(f) “prospecting area”.

- (5). The following words will have the meaning so assigned hereunder; until such time as the national legislation governing coastal management in the Republic of South Africa has come into effect, where after the definitions will be substituted by the applicable definitions of that legislation:

**“coastal protection zone”** consists of—

- (a) an area declared in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as a sensitive coastal area within which activities identified in terms of section 17(1) of that Act may not be undertaken without an authorisation;
- (b) any part of the littoral active zone that is not coastal public property;
- (c) any coastal protected area, or part of such area, which is not coastal public property;
- (d) any area situated wholly or partially within one kilometre of the high water mark which—
  - (i) is zoned for agricultural or undetermined use; or
  - (ii) is not zoned nor part of a lawfully established township, urban area or other human settlement;
- (e) any area not referred to in paragraph (d) that is situated wholly or partially within 100 metres inland of the high water mark;

**“coastal public property”** consists of—

- (a) State-owned land located adjacent to and inland of the sea-shore;
- (b) the sea-shore; and
- (c) the sea between the low water mark and the territorial waters as defined in the Maritime Zones Act, 1994 (Act 15 of 1994);

**“estuary”** means a body of surface water that—

- (a) is part of a water course that is permanently or periodically open to the sea;  
and
- (b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the water course is open to the sea; or
- (c) the salinity is measurably higher as a result of the influence of the sea;

**“high-water mark”** means the highest line reached by coastal waters but excluding any line reached as a result of—

- (a) exceptional or abnormal floods or storms that occur no more than once in ten years; or
- (b) an estuary being closed to the sea;

**“littoral active zone”** means any land forming part of, or adjacent to, the seashore that is—

- (a) unstable and dynamic as a result of natural processes; and
- (b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partially vegetated;

**“low-water mark”** means the lowest line to which coastal waters recede during spring tides;

**“sea”** means all marine waters, including—

- (a) the high seas;
  - (b) all marine waters under the jurisdiction of any state; and
  - (c) the bed, subsoil and substrata beneath those waters,
- but does not include estuaries;

**“seashore”** means the area between the low-water mark and the high-water mark.

**IDENTIFIED ACTIVITIES AND COMPETENT AUTHORITIES**

3. (1) The activities listed in Appendix 1 are identified in terms of section 24(2)(b) of the Act as activities that may not commence without an environmental authorisation from the competent authority.
  
- (2) The investigation, assessment and communication of potential impact of activities must follow the procedure as prescribed in the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act.

**REPEAL OF NOTICE 386 OF 21 APRIL 2006**

4. Notice No. 386 published in Gazette 28938 on 21 April 2006 is hereby repealed.

## APPENDIX

Activity number	Activity description	Identification of competent authority
1	<p>The construction of—</p> <p>(a) 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;</p> <p>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1ha;</p> <p>(b) facilities or infrastructure for the storage of 1 000 tons or more, but less than 100 000 tons of ore;</p> <p>(c) facilities or infrastructure for the storage of 250 tons or more, but less than 100 000 tons of coal;</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: (a) it is an application for an activity contemplated in section 24C(2) of 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; or (b) the activity is to be conducted in or on a mining area or is to transform the area where the activity is to be conducted into a mining area, in which case the competent authority will be the Minister of Minerals and Energy.</p>

	<p>(d) resorts, lodges or other tourism accommodation facilities that sleeps 15 people or more, excluding:</p> <ul style="list-style-type: none"><li>(i) where such resorts, lodges or tourism accommodation facilities are located in urban areas, or</li><li>(ii) conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleeps 30 people or less;</li></ul> <p>(e) facilities or infrastructure for the slaughter of animals with a product throughput of 10 000 kilograms or more per year of:</p> <ul style="list-style-type: none"><li>(i) poultry exceeding 50 poultry per day</li><li>(ii) game and red meat exceeding 6 slaughter units per day;</li></ul> <p>(f) 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"><li>(i) 20 square metres per head of cattle,</li></ul>	
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	<p>including wildebeest and buffalo and more than 500 head of cattle, including wildebeest and buffalo, per facility;</p> <p>(ii) 8 square meters per sheep or goat or any species of antelope and more than 1 000 sheep or goats or any species of antelope per facility;</p> <p>(iii) 8 square metres per pig and more than 250 pigs per facility 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)(aa) more than 1 000 poultry per facility, excluding chicks younger than 20 days, where the facility is situated inside an urban area;</p> <p>(bb) more than 5 000 chickens or poultry, excluding chicks younger than 20 days, where the facility is situated outside an urban area;</p> <p>(vi) 3 square metre per rabbit and more than 500 rabbits per facility; or</p>	
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	<p>(vii) 250 square metres per ostrich or emu and more than 50 ostriches or emus per facility or 2500 square metres per breeding pair;</p> <p>(g) facilities or infrastructure for aquaculture of—</p> <p>i) any size in an estuary or protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) regardless of the location of such protected area;</p> <p>ii) finfish, crustaceans, reptiles or amphibians, including exotic or extralimital species with a production output exceeding 20 000 kg but less than 200 000 kg per annum (live round weight) with the exception of offshore cage culture where 1(i)(v) below will apply;</p> <p>iii) molluscs including exotic or extralimital species with a production output exceeding 30 000 kg but less than 200 000 kg per annum (live round weight) with the exception of off shore cage culture</p>	
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	<p>where 1(i)(v) below will apply;</p> <p>iv) aquatic plants including exotic or extralimital species with a production output exceeding 60 000 kg but less than 200 000 kg per annum (live round weight) with the exception of off shore cage culture where 1(i)(v) below will apply;</p> <p>v) offshore cage culture of finfish, crustaceans, reptiles, amphibians, mollusks and aquatic plants including exotic or extralimital species with a production output exceeding 50 000 kg but less than 100000 kg per annum (live round weight).</p> <p>(h) facilities or infrastructure for agri-industrial purposes, outside industrial areas with a development footprint that cover an area of 1 000 square metres or more, with the exception of hatcheries, where the development footprint area covered is 2 000 square metres or more;</p> <p>(i) facilities or infrastructure for the bulk transportation</p>	
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	<p>of water, sewage or storm water, in pipelines exceeding 1000 metres in length, situated outside urban areas, with—</p> <ul style="list-style-type: none"><li>(i) an internal diameter of 0,36 metres or more;</li><li>or</li><li>(ii) a peak throughput of 120 litres per second or more,</li></ul> <p>excluding where such construction relates to storm water drainage inside a road reserve;</p> <p>(j) facilities or infrastructure for the transmission and distribution of electricity—</p> <ul style="list-style-type: none"><li>(i) with a capacity of more than 33 but less than 275 kilovolts excluding in an urban or industrial area; or</li><li>(ii) with a capacity of more than 275 kilovolts in urban or industrial areas;</li></ul> <p>(k) (i) canals;</p> <ul style="list-style-type: none"><li>(ii) channels;</li><li>(iii) bridges;</li></ul>	
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	<p>(iv) dams; (v) weirs; (vi) storm water outlet structures; (v) marinas; (vi) jetties; and (vii) buildings where the development footprint is bigger than 50 square metres, where such construction occurs within 32 metres of a watercourse, measured from the bank of a watercourse, and where no bank exists, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p>(l) facilities or infrastructure for the off-stream storage of water, including dams, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice 167 of 2009;</p> <p>(m) facilities or infrastructure for the recycling, re-use,</p>	
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	<p>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>(n) facilities or infrastructure for the temporary storage of hazardous waste at quantities exceeding the minimum requirements as provided in the Department of Water Affairs and Forestry's Waste Management Series - Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste, 1998, Edition 2, as may be amended from time to time;</p> <p>(o) 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>	
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	<p>(p) facilities or infrastructure for the treatment of effluent or sewage with an annual throughput capacity of more than 5 000 cubic metres but less than 50 000 cubic metres;</p> <p>(q) above ground cableways and funiculars;</p> <p>(r) facilities or infrastructure for the storage 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 100 but less than a 500 cubic metres in industrial areas and 50 but less than 500 cubic metres outside industrial areas;</p> <p>(s) structures where the development footprint is bigger than 50 square metres in the coastal public property excluding in existing ports or harbours;</p> <p>(t) facilities for desalination of sea water supply with an annual daily average production of more than 250 cubic metres.</p>	
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2	<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> <ul style="list-style-type: none"><li>(a) facilities for the storage of material and the maintenance of vessels;</li><li>(b) fixed or floating jetties and slipways;</li><li>(c) tidal pools;</li><li>(d) embankments;</li><li>(e) rock revetments or stabilising structures including stabilising walls;</li><li>(f) buildings; or</li><li>(g) infrastructure, but excluding<ul style="list-style-type: none"><li>(i) on erven within existing urban areas if such construction or earth moving activities will occur behind a development setback line; or</li><li>(ii) where such construction or earth moving activities will occur in existing ports or harbours; or</li><li>(iii) where such construction or earth moving activities is for maintenance or rehabilitation purposes.</li></ul></li></ul>
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The prevention of the free movement of sand, erosion or accretion, by means of planting vegetation or placing synthetic material on dunes and exposed sand surfaces within the littoral active zone.

4	<p>(a) Infilling or depositing of any material of more than 5 cubic metres into a watercourse, estuary, lake or in-stream dam; or</p> <p>(b) the dredging, excavation, removal or moving of soil, sand or rock exceeding 5 cubic metres from -</p> <p>(i) a watercourse, estuary, lake or in stream dam;</p> <p>(ii) the area within 32 metres from the bank of a watercourse, estuary, lake, in-stream dam including or where there is no bank, the edge of a watercourse, estuary, lake, in-stream dam</p> <p>(iii) the sea or the seashore</p> <p>but excluding where such depositing, dredging, excavation, infilling, removal or moving of soil, sand or rock</p> <p>(aa) is for maintenance dredging or rehabilitation purposes; or.</p> <p>(bb) occurs behind the development setback line.</p>
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5	The reclamation or destruction of a wetland or any portion thereof.	
6	The removal or damaging of indigenous vegetation of more than 50 square metres within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea, whichever distance is the greater but excluding where such removal or damage will occur on erven within existing urban areas behind the development setback line.	



7	<p>The excavation, moving, removal, depositing or compacting of soil, sand, shell grit, coral, rock, rubble or any similar material covering an area exceeding 50 square metres within the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea, whichever distance is the greater, but excluding where such excavation, moving, removal, depositing or compacting will occur on erven within existing urban areas behind the development setback line or excluding where such excavation, moving removal, depositing or compacting is for maintenance dredging or rehabilitation purposes.</p>
8	<p>Any activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) or renewal thereof.</p>
9	<p>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.</p>

10	The establishment of cemeteries of 5000 square metres or more in size.
11	<p>The transformation or removal of indigenous vegetation of 5 hectares or more anywhere except</p> <p>(i) of 10 square metres or more 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) or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; or</p> <p>(ii) 1 hectare or more in protected areas as defined in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).</p>

12	Agriculture, or afforestation for the purposes of commercial tree, timber or wood production, of 20 hectares or more but less than 100 hectares.
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.
14	The construction of a road with a reserve wider than 13,5 meters or, where no reserve exists, the construction of a road where the road is wider than 8 metres, and the construction of roads for which an environmental authorisation was obtained in terms of activity 5 in Government Notice 387 of 2006 or activity 5 in Government Notice 167 of 2009, excluding roads situated within urban areas.

15	<p>The transformation of undeveloped, vacant or derelict land to –</p> <p>(a) residential, mixed, 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>(b) residential, mixed, 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> <p>except where such transformation takes place for linear activities.</p>
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16	<p>Phased activities for the following activities listed in this Schedule, which commenced after 3 July 2006, 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>1(b), 1(c), 1(d), 1(e) 1(i), 1(j), 1(o), 1(s), 7, 12, 14, 15, 16 and 19.</p>
17	<p>The transformation of an area, that was at any given time on or after the promulgation of these regulations zoned for the use of open space or conservation, to another use.</p>
18	<p>The release of genetically modified organisms into the environment in instances 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>

19 Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

20	The commencement with any activity listed in Category A of Schedule 1 to the National Environmental Management: Waste Act, 2008. <sup>1</sup>	The competent authority in respect of this listed activity is determined by the National Environmental Management: Waste Act.
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<sup>1</sup> This activity will come into effect once the National Environmental Management: Waste Act comes into effect later in 2009. It will lead to the deletion of the following activities in this Schedule: I(m) and I(n) as well as 23(i), (j) and (l).

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, as amended, for -

- (a) electricity generation with a threshold of more than 10MW;
- (b) electricity transmission and distribution with a threshold of more than 132kV;
- (c) nuclear reactors and storage of nuclear fuel;
- (d) 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;
- (e) the treatment of effluent and sewage with an annual throughput capacity of 50000 cubic metres or more;
- (f) storage of dangerous goods of more than 30 000 cubic metres.



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The expansion of or changes to existing facilities for any process or activity, which requires a new or amendment of an existing permit or license required in terms of national or provincial legislation governing the release of emissions, pollution, effluent or is subjected to an EA process in any specific environmental management Act.

The expansion of facilities for: -

(a) aquaculture of -

- i) any size in an estuary or protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) regardless of the location of such protected area;
- (ii) finfish, crustaceans, reptiles or amphibians, including exotic or extralimital species where the production output will increase with 20000 kg per annum (live round weight) or more;
- (iii) mollusks including exotic or extralimital species where the expanded production output will exceed 30000 kg per annum (live round weight);
- (iv) aquatic plants including exotic or extralimital species where the expanded production output will exceed 60000 kg per annum (live round weight)
- (v) offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants including exotic or extralimital species where the expanded production output will exceed 50000 kg per annum (live round weight).

	<p>(b) the generation of electricity where:</p> <ul style="list-style-type: none"><li>(i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint;</li><li>(ii) regardless the output of the facility, the development footprint will be expanded by 1 hectare or more;</li></ul> <p>(c) the storage of ore where the expansion will increase the total storage capacity by more than 1000 tons;</p> <p>(d) the above ground storage of coal where the expansion will increase the total storage capacity by more than 250 tons;</p>	
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(e) agri-industrial purposes, including hatcheries, outside industrial areas, where the facility will be expanded with an area of 1000 square metres or more;

(f) the treatment of effluent or sewage where the expansion will increase the annual throughput capacity by more than 5000 cubic metres;

(g) the storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, where such storage facility will be expanded by 50 cubic metres or more;

	<p>(h) the refining, extraction or processing of gas, oil and petroleum products where the output of the facility will be expanded by 50 cubic metres or more excluding gas from landfill sites;</p> <p>(i) the recycling, re-use, handling, temporary storage or treatment of general waste where the expansion will increase the throughput capacity with more than 50 tons or more daily average measured over a period of 30 days;</p> <p>(j) the use, recycling, handling, treatment, storage beyond 90 days or final disposal of hazardous waste;</p>	
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	<p>(k) the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts, and where the development footprint will be expanded;</p> <p>(l) the final disposal of general waste where the expansion will cover an area of 100 square metres or more, or 200 cubic metres or more of airspace;</p> <p>(m) the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue;</p>	
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(n) the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent where such expansion would require a new permit or license in terms of the specific environmental management act governing waste management;

(o) railway lines, stations or shunting yards where the development footprint will be expanded, excluding

- (i) railway lines , shunting yards and railway stations in industrial areas
- (ii) underground railway lines in mines
- (iii) additional railway lines within the servitude of an existing railway line.

<p>24</p>	<p>The expansion of</p> <ul style="list-style-type: none"> <li>(i) canals;</li> <li>(ii) channels;</li> <li>(iii) bridges;</li> <li>(iv) dams;</li> <li>(v) weirs;</li> <li>(vi) storm water outlet structures;</li> <li>(viii) marinas; and</li> <li>(ix) jetties;</li> </ul> <p>within 32 metres of a watercourse, measured from the bank of a watercourse, and where no bank exists, 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>
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25	The expansion of buildings with an existing footprint bigger than 50 square metres or of buildings of any size where such expansion will result in the building being bigger than 50 square metres within 32 metres of a watercourse measured from the bank of a watercourse, and where no bank exists, 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.
26	The expansion of airports where the development footprint will be increased.
27	The expansion of runways or landing strips where the expanded runways or landing strips will be longer than 1,4 kilometres in length.
28	The expansion of the width of a road by more than 6 meters.

29	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 and where the height of the wall is increased by 2,5 metres or more.	
30	The expansion of resorts outside urban areas where accommodation for 15 or more additional people will be provided.	

31	<p>The expansion of</p> <ul style="list-style-type: none"><li>(i) facilities associated with the arrival and departure of vessels and the handling of cargo;</li><li>(ii) piers;</li><li>(iii) inter- and sub-tidal structures for entrapment of sand;</li><li>(iv) breakwater structures;</li><li>(v) coastal marinas;</li><li>(vi) coastal harbours or ports;</li><li>(vii) structures for draining parts of the sea or estuary;</li><li>(viii) tunnels; or</li><li>(ix) underwater channels,</li></ul> <p>but excluding expansion on erven within existing urban areas if such expansion will occur behind the development setback line.</p>
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32	<p>The expansion of facilities for-</p> <ul style="list-style-type: none"><li>(i) the bulk transportation of dangerous goods in gas form, outside an industrial complex or zone, by an increased throughput capacity of 700 tons or more per day;</li><li>(ii) the bulk transportation of dangerous goods in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day;</li><li>(iii) the bulk transportation of dangerous goods in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.</li></ul>	
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