

NOTICE 735 OF 2014**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****LISTING NOTICE 2: LIST OF ACTIVITIES AND COMPETENT AUTHORITIES IDENTIFIED**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to repeal Listing Notice 2 of 2010, published under Notice No. 545 in Gazette No. 33306 dated 18 June 2010, and publish the proposed Listing Notice 2 of 2014 under sections 24(2), 24(5), 24D and 44, read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 days after the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr N Nkotsoe
 Private Bag X447
 PRETORIA
 0001

By hand at: Reception, Environment House, 473 Steve Biko Street, Arcadia, Pretoria, 0083

By e-mail: NNkotsoe@environment.gov.za

Any inquiries in connection with the notice can be directed to Ms Amanda Britz at (012) 399 9283/9285.

Comments received after the closing date will not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

PURPOSE

1. The purpose of this Notice is to identify activities that would require an environmental authorisation prior to the commencement of that activity and to identify competent authorities in terms of sections 24(2) and 24D of this Act.

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 —

“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;

“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;

“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 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;

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring but excludes any modification, alteration or expansion of such a facility, structure or infrastructure and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

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

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

“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;

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

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

“maintenance” means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint;

“maintenance management plan” means a management plan for maintenance purposes defined or adopted in a prescribed manner by the competent authority and where none has been defined or adopted as such it will be assumed that no maintenance management plan applies;

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

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

“the regulations” means the Environmental Impact Assessment Regulations made under section 24(5) of the Act;

“urban edge” means, the urban edge defined or adopted in a Spatial Development Framework referred to in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013); or in instances where no urban edge exist, it refers to areas situated within the edge of built-up areas; and

“virgin soil” means land not cultivated on or after 01 April 1998.

2. (2) The following words relevant to coastal activities will have the meaning so assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008):
- (a) “estuary”;
 - (b) “high-water mark”;
 - (c) “littoral active zone”;
 - (d) “low-water mark”; and
 - (e) “sea”.
2. (3) The following words will have the meaning so assigned in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002):
- (a) “exploration right”;
 - (b) “mine”;
 - (c) “mineral”;
 - (d) “mineral resource”
 - (e) “mining right”; and
 - (f) “production right”.

IDENTIFIED ACTIVITIES AND COMPETENT AUTHORITIES

3. (1) The activities identified in Appendix 1 may not commence without environmental authorisation from the competent authority.
3. (2) The investigation, assessment and communication of the potential impact of activities must follow the procedure as prescribed in regulations 21, 22, 23 and 24 of the Environmental Impact Assessment Regulations, 2014.

REPEAL OF NOTICE 545 DATED 18 JUNE 2010

4. Notice 545 published in Gazette 33306 is hereby repealed.

SHORT TITLE

5. This Listing Notice is called the Environmental Impact Assessment Regulations Listing Notice 2 of 2014.

APPENDIX 1

Activity number	Activity description	Identification of competent authority
1.	The development of facilities or structures, including associated structures and infrastructure, for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or structures is for photovoltaic installations and occurs within an urban edge.	The competent authority in respect of the activities listed in this part of the schedule is the competent 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; (b) the listed or specified activity is or is directly related to— i. prospecting or exploration of a mineral resource; or ii. extraction and primary processing of a mineral
2.	The development or development and related operation of facilities or structures, including associated structures and infrastructure, for the generation of electricity from a non-renewable resource where the electricity output is 20 megawatts or more, excluding where such development for photovoltaic installations occurs within an urban edge.	
3.	The development or development and related operation of facilities or infrastructure, including associated structures and 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.	
4.	The development of facilities or infrastructure, including associated structures and 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.	
5.	The construction or construction and related operation of facilities or infrastructure, including associated structures and 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— (i) facilities for the refining, extraction or processing of gas from landfill sites; or (ii) the primary processing of a petroleum resource in which case activity 23 in this Notice will apply.	

6.	The development of facilities or infrastructure, including associated structures and infrastructure, for any process or activity which requires a permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent excluding— (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are 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 National Environmental Management: Waste Act, 2008 will apply; or (iii) the development of facilities or infrastructure for the treatment of effluent, wastewater or sewage where such facilities have a daily throughput capacity of 2000 cubic metres or less.	resource; in which case the competent authority is the Minister responsible for mineral resources. The exception mentioned in (b) above does not apply to the following activities contained in this Notice: 3; 8(j); 10; 13; 14; 26(v)(a, b, c, d, e, f, g, h & i) 27; and 29.
7.	The development or development and related operation of facilities or infrastructure, including associated structures and infrastructure, for the bulk transportation of dangerous goods— (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.	
8.	The development of— (i) airports, including associated structures and infrastructure, or (ii) runways or aircraft landing strips longer than 1,4 kilometres.	
9.	The development of facilities or infrastructure, including associated structures and infrastructure, for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban edge or	

	industrial complex.	
10.	The development of facilities or infrastructure, including associated structures and infrastructure, for marine telecommunication.	
11.	The development of facilities or infrastructure, including associated structures and 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) water catchments, (ii) water treatment works; or (iii) impoundments, excluding treatment works where water is to be treated for drinking purposes.	
12.	The development of railway lines, stations or shunting yards, including associated structures and infrastructure, excluding— (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in a mining area; or (iii) additional railway lines within the reserve of an existing railway line.	
13.	The development or development and related operation of facilities, infrastructure or structures, including associated structures and infrastructure, for aquaculture of— (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 and echinoderms 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); excluding where the development of facilities, infrastructure or structures is: (a) for species indigenous to the area in which case activity 6(iv), (v) or (vi) in Listing Notice 1 of 2014 will apply; or (b) for purposes of sea-based cage culture in which case activity 14 in this Notice will apply.	
14.	The development or development and related operation of facilities, infrastructure or structures, including associated structures and infrastructure, for aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians, molluscs, echinoderms 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); excluding where the development of facilities, infrastructure or structures is for species indigenous to the area in which case activity 7(ii) in Listing Notice 1 of 2014 will apply.	
15.	The development or development and related operation of— (i) an island; (ii) anchored platform; or (iii) or any other structure or infrastructure on, below or along the sea bed; excluding: (a) development of facilities, infrastructure or structures for aquaculture purposes; or (b) the development of temporary structures or infrastructure where such structures will be demolished or disassembled and removed after a period not exceeding six weeks.	
16.	The clearance of an area of 20 hectares or more of indigenous vegetation, except where such clearance of indigenous vegetation is required for—	

	(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	
17.	The development of a dam, including associated structures and infrastructure, 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.	
18.	Any activity including the operation of that activity which requires a mining right as contemplated in sections 22 and 24 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure and structures, directly related to the extraction of a mineral or petroleum resource.	
19.	Any activity including the operation of that activity which requires an exploration right as contemplated in sections 79 and 81 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), directly related to the exploration of a mineral or petroleum resource.	
20.	Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure and structures, directly related to extraction of a mineral or petroleum resource.	
21.	Any activity including the operation of that activity which requires a production right as contemplated in sections 83 and 85 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure and structures, directly related to the primary processing of a mineral or petroleum resource.	
22.	An activity including the operation of that activity associated with the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening and washing but excluding the	

	reduction, smelting, beneficiation, refining, calcining or gasification of the petroleum resource in which case activity 6 in this Notice will apply.	
23.	An activity including the operation of that activity associated with the primary processing of a petroleum resource including winning, extraction, classifying, concentrating, water removal, but excluding the refining of gas, oil or petroleum products in which case activity 5 in this Notice will apply.	
24.	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.	
25.	The development or development and related operation of facilities, including associated infrastructure and structures, for the treatment of effluent, wastewater or sewage with a daily throughput capacity of 15000 cubic metres or more.	
26.	Development-- (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of — (a) facilities associated with the arrival and departure of vessels and the handling of cargo; (b) piers; (c) inter- and sub-tidal structures for entrapment of sand; (d) breakwater structures; (e) coastal marinas; (f) coastal harbours or ports;	

	(g) structures for reclaiming parts of the sea; (h) tunnels; or (i) underwater channels— but excluding the development of structures within existing ports or harbours what will not increase the development footprint of the port or harbour.	
27.	The development of— (i) 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); (ii) a road administered by a provincial authority; (iii) a road with a reserve wider than 30 metres; or (iv) a road catering for more than one lane of traffic in both directions; including associated structures and infrastructure, but excluding— (a) the development or development and related operation 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, in which case activity 22 in Listing Notice 1 of 2014 applies; or (b) roads within an urban edge.	
28.	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), excluding— (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are 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 National	

	Environmental Management: Waste Act, 2008 will apply; or (iii) the development of facilities or infrastructure for the treatment of effluent, wastewater or sewage where such facilities have a daily throughput capacity of 2000 cubic metres or less.	
29.	The expansion or expansion and related operation 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.	