

Section 24G and Similar Listings

January 2015

The following Sub-regulations of GNR 982 have reference:

- 51(1): *An application submitted in terms of the ECA regulations and which is pending when these Regulations take effect, including pending applications for activities directly related to—
(a) prospecting or exploration of a mineral or petroleum resource; or
(b) extraction and primary processing of a mineral or petroleum resource;
must despite the repeal of those Regulations be dispensed with in terms of those Regulations as if those Regulations were not repealed.*
- 51(2): *If a situation arises where an activity or activities listed under the ECA Notices no longer requires environmental authorisation in terms of the current activities and competent authorities identified in terms of sections 24(2) and 24D of the Act or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the ECA regulations is still pending, the competent authority will consider such application to be withdrawn.*
- 51(3): *Where an application submitted in terms of the ECA regulations is pending in relation to an activity of which a component of the same activity was not listed under the ECA Notices, but is now identified in terms of section 24(2) of the Act, the competent authority must dispense of such application in terms of those ECA regulations and may authorise the activity identified in terms of section 24(2) as if it was applied for, on condition that all impacts of the newly listed activity and requirements of these Regulations have also been considered and adequately assessed.*
- 53(1): *An application submitted in terms of the previous NEMA regulations and which is pending when these Regulations take effect, including pending applications for auxiliary activities directly related to—
(a) prospecting or exploration of a mineral or petroleum resource; or
(b) extraction and primary processing of a mineral or petroleum resource,
must despite the repeal of those Regulations be dispensed with in terms of those previous NEMA regulations as if those previous NEMA regulations were not repealed.*
- 53(2): *If a situation arises where an activity or activities, identified under the previous NEMA Notices, no longer requires environmental authorisation in terms of the current activities and competent authorities identified in terms of section 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the previous NEMA regulations is still pending, the competent authority will consider such application to be withdrawn.*
- 53(3): *Where an application submitted in terms of the previous NEMA regulations, is pending in relation to an activity of which a component of the same activity was not identified under the previous NEMA notices, but is now identified in terms of section 24(2) of the Act, the competent authority must dispense of such application in terms of the previous NEMA regulations and may authorise the activity identified in terms of section 24(2) as if it was applied for, on condition that all impacts of the newly identified activity and requirements of these Regulations have also been considered and adequately assessed.*

- 54(1): An application submitted in terms of the previous MPRDA regulations and which is pending when these Regulations take effect must despite the repeal of those regulations be dispensed with in terms of those previous MPRDA regulations as if those previous MPRDA regulations were not repealed.
- 54(2): An application submitted after the commencement of these Regulations for an amendment of an Environmental Management Programme, issued in terms of the Mineral and Petroleum Resources Development Act, 2002, must be dealt with in terms of Part 1 or Part 2 of Chapter 5 of these Regulations.
- 54(3): “Application” for the purpose of subregulation (1) means an application for a permit, right, approval of an Environmental Management Programme or amendment to such permit, right or Environmental Management Programmes.

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

Table 1

A. Activities not yet commenced with in terms of the relevant EIA regulations.
<ol style="list-style-type: none"> 1. An application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, must despite the repeal of those regulations be dispensed with in terms of those previous regulations, <u>provided that the listed activity(ies) applied for previously are still listed.</u> 2. An application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, is deemed to be withdrawn <u>if the listed activity(ies) applied for is no longer listed.</u> 3. For an application for environmental authorisation submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, of which a component of the same activity was not listed under the previous ECA or NEMA Notices, but is now listed, the competent authority may authorise a new listed activity (GNRs 983, 984 and / or 985) on condition that all impacts of the newly identified activity and requirements of these Regulations have also been considered and adequately assessed. 4. In some cases the listed activity(ies) applied for is no longer listed in terms of the 2014 EIA Regulations. An environmental authorisation (in terms of the relevant EIA Regulations) cannot be issued for an activity previously listed (either the ECA or NEMA) but no longer listed. 5. In many cases only a small portion of the activity(ies) initially applied for can be duly considered and authorized (<i>resulting from i.e. the fact that the new listed activities are differently worded and the inclusion of thresholds in the new activities</i>). This has the following implications: <ul style="list-style-type: none"> ○ The environmental decision cannot go beyond the scope of the applicable current listed activity(ies). ○ A portion / percentage (small or large) of the activity(ies) previously applied for does not require environmental authorisation and cannot be duly considered and authorised. The environmental authorisation cannot include these portions / percentages. This is explained in the Diagrams 1 & 2 simplifying the Scope of the listed activity.

The above-mentioned sub-regulations have no relevance on applications submitted in terms of Section 24G of the Act.

Table 2

B. Activities unlawfully commenced with in terms of the relevant EIA regulations but dealt with in terms of Section 24(G) of the Act.	
a.	Unlawful commencement of any activity identified in terms of the ECA and NEMA EIA Regulations (<i>GNRs 385, 543 and 982</i>) may be rectified in terms of section 24G of NEMA following an application to the relevant competent authority, taking account of the proviso set out in transitional provision 12(3) of NEMA, Act No 62 of 2008 which specifically relates to ECA listed activities.
b.	Section 24G of the principal Act applies with the changes required by the context in respect of any activity undertaken in contravention of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), if such activity is a listed activity under the principal Act". Section 12(3) therefore means that: <ul style="list-style-type: none"> o an application for rectification cannot be submitted for an activity unlawfully commenced with in terms of the ECA EIA Regulations, if that activity is no longer a listed activity under the principal Act (ie. NEMA); and o a competent authority cannot therefore consider and duly authorize an ECA listed activity that is no longer listed in terms of NEMA unless the application for rectification was submitted to the relevant competent authority within the 6 month period between 7 January 2005 and 06 July 2005.
c.	The similar listings below is accordingly applicable in the determination as to whether a new submitted application for rectification can be submitted and duly considered for an activity(ies) unlawfully commencement with in terms of the ECA EIA listed activities. It is imperative to note and understand that the GNR 982 is not applicable to such and application for rectification as application is made in terms of the Act and not in terms of the current and or repealed EIA regulations.
d.	An application for rectification correctly submitted previously in terms of Section 24G of the Act but not yet finalized, must despite the fact that such an activity(ies) is no longer listed be finalized in terms of Section 24G of the Act. Such an application is not deemed withdrawn as the application was submitted in terms of NEMA.
e.	For an application for rectification submitted for an activity(ies) listed under a previous listing notice(s) (either the ECA or NEMA) but not yet finalized, of which a component of the same activity was not listed under the previous NEMA Notices, but is now listed, the competent authority cannot authorise the new listed activity (GNRs 983, 984 and 985) . In this regard there are 2 possible scenario's: <ul style="list-style-type: none"> o In an event where the newly listed activity was commenced with prior to the enactment date of that listed activity, no environmental authorization is required for that listed activity. o In an event where the new listed activity is planned as part of the S24G application (<i>but the relevant activity was not yet commenced with @ time the listed activity was enacted</i>), the Environmental Authoristaion subsequent to the application CANNOT include the authorisation of the newly listed activity. for the newly listed activity the process in terms of GNR 982 must be followed.
f.	In many cases only a small portion of an ECA unlawful activity can be rectified (<i>resulting from i.e. the fact that the new listed activities are differently worded and the inclusion of thresholds in the new activities</i>). This has the following implications: <ul style="list-style-type: none"> o The environmental decision in terms of Section 24G(2)(a) cannot go beyond the scope of the applicable current listed activity(ies). o A portion / percentage (small or large) of the unlawful ECA activity will never be legalized. The S24G application cannot include these portions / percentages. o The Environmental Decision and or Directive as per Section 24G(2) of NEMA cannot go beyond the scope of Section 12(3) of NEMA. This is explained in the

diagram 1 & 2 below.

- g. In some cases a number of ECA listed activities (as part of one development) have been unlawfully commenced with, but only a small number of the activities are still listed. For these scenario's:
 - o Only the activities still listed may be applied for, fined and duly authorized.

Diagram 1: Simplifying the Scope of the listed activity:

EIA Regulations Listed Activity	Scope	Example
Scope of listed activity initially applied for	= 	<p><u>Activity 2(c) of 1182 (ECA2002 May 10)</u></p> <p>Application for the change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use (application submitted December 2005). Property is 17 ha of which 11 hectares was already transformed and used for industrial purposes (since 1959). The remaining 6 hectares was used for commercial agricultural purposes. The entire 17ha fell in the scope of activity 2(c) of 1182.</p>
Scope of NEMA 2010 listed activity	= 	<p><u>Activity 28 of GNR 983:</u></p> <p>Similar listing = Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</p> <p>(a) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(b) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p> <p>11 of the 17 hectares have been transformed (industrial) more than 56 years ago and only the untransformed 6 hectares can be duly considered and authorized. The Environmental Authorisation cannot authorize the 11 hectares already developed for industrial purposes.</p>

 is not always equal to  although it may be very similar.

 cannot be authorized **as is**, unless  = exactly 

Diagram 2:

Potential Scope of the Environmental Authorisation read with the Transitional Arrangements of GNR 982	
<p>The scope of the environmental authorisation therefore excludes those areas not overlapping & only includes the overlapped area.</p> 	
<p>The scope of the environmental authorisation may go beyond what was applied for (newly listed activities) on condition that all impacts of the newly listed activity and requirements of these regulations have also been considered and adequately assessed by the applicant</p>	

Principles in using this document:

- It is the applicant's and EAP's responsibility to consider the impact of new definitions and changes to existing definitions in the determination of similar listings.
- This document does not replace legal advice in a specific situation governed by legislation.
- The quoted listed activities (below) will not take the place of the any one or more of listing notices published under the EIA Regulations. Listed activities must be quoted from the relevant GNRs.

- Even in an event where none of the activities in the 3 listing notices are triggered, the proponent and Environmental Assessment Practitioner must take note that the facility or activity may be included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case such an application authorisation is required in terms of the NEMWA. This document does not compare the repealed previous EIA waste related activities with the NEMWA listed activities.
- In most cases more than 1 listed activity was and is triggered. In this regard it always remains the responsibility of the proponent & Environmental assessment Practitioner to consult all three listing notices & to ascertain which activities applicable to the project is excluded and which ones are included.
- Applicants must obtain environmental authorization for all relevant listed activities, not only for the activities initially applied for.
- **The similar listing table below serves as a guide to assist proponents, EAPs and the regulating authority in identifying similar listings. The applicability of the similar listing must be assessed and considered individually for each scenario (old application in process).**
- Table 6 provides more information with regards to the newly listed activities. It however remains the proponent's responsibility to consult all 3 lists and to accordingly consider the implications thereof on their individual project ventures.

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

	ECA EIA listed Activities:	Effective between 08 September 1997 and end of day 09 May 2002.
	ECA EIA listed Activities:	Effective between 10 May 2002 and before end of day 02 July 2006.
	NEMA 2006 EIA listed Activities (LN 1):	Effective between 03 July 2006 and end of day 01 August 2010.
	NEMA 2006 EIA listed Activities (LN 2):	Effective between 03 July 2006 and end of day 01 August 2010.
	NEMA 2010 EIA listed Activities (LN 1):	Effective between 02 August 2010 and end of day 07 December 2014.
	NEMA 2010 EIA listed Activities (LN 2):	Effective between 02 August 2010 and end of day 07 December 2014.
	NEMA 2010 EIA listed Activities (LN 3):	Effective between 02 August 2010 and end of day 07 December 2014.

GNR 983 NEMA 2014 EIA listed Activities (LN 1): On or after 08 December 2014.

GNR 984 NEMA 2014 EIA listed Activities (LN 2): On or after 08 December 2014.

GNR 985 NEMA 2014 EIA listed Activities (LN 3): On or after 08 December 2014.

Table 3
Similar Listings (ECA 1997 and 2002)

ECA EIA Listed Activities	2014 NEMA Listed Activities
<p>1(a) <i>The construction or upgrading of facilities for commercial electricity generation and supply.</i></p>	<p>Activity 1 of GNR 983 Activity 2 of GNR 983 Activity 11 of GNR 983 Activity 36 of GNR 983 Activity 37 of GNR 983 Activity 47 of GNR 983 Activity 1 of GNR 984 Activity 2 of GNR 984 Activity 9 of GNR 984</p>
<p>1(a) <i>The construction, erection or upgrading of facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.</i></p>	<p>Activity 1 of GNR 983 Activity 2 of GNR 983 Activity 11 of GNR 983 Activity 36 of GNR 983 Activity 37 of GNR 983 Activity 47 of GNR 983 Activity 1 of GNR 984 Activity 2 of GNR 984 Activity 9 of GNR 984</p>
<p>1(b) <i>The construction or upgrading of nuclear reactors and installations for the productions, enrichment, reprocessing and disposal of nuclear fuels and wastes.</i></p>	<p>Activity 3 of GNR 984</p>
<p>1(b) <i>The construction, erection or upgrading of nuclear reactors and facilities for the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels and wastes.</i></p>	<p>Activity 3 of GNR 984</p>

<p>1(c) <i>The construction or upgrading of transportation routes and structures, and manufacturing, storage, handling or processing facilities for any substance which is dangerous or hazardous and is controlled by national legislation.</i></p>	<p>Activity 14 of GNR 983 Activity 51 of GNR 983 Activity 59 of GNR 983 Activity 7 of GNR 984 Activity 10 of GNR 985 Activity 25 of GNR 985</p>
<p>1(c) <i>The construction, erection or upgrading of with regard to any substance which is dangerous or hazardous and is controlled by national legislation-</i> (i) <i>infrastructure, excluding road and rails, for the transportation of any such substance; and</i> (ii) <i>manufacturing, storage, handling, treatment or processing facilities for any such substance.</i></p>	<p>Activity 14 of GNR 983 Activity 51 of GNR 983 Activity 59 of GNR 983 Activity 7 of GNR 984 Activity 25 of GNR 984 Activity 10 of GNR 985 Activity 25 of GNR 985</p>
<p>1(d) <i>The construction or upgrading of roads, railways, airfields and associated structures outside the borders of town planning schemes.</i></p>	<p>Activity 24 of GNR 983 Activity 56 of GNR 983 Activity 61 of GNR 983 Activity 64 of GNR 983 Activity 8 of GNR 984 Activity 12 of GNR 984 Activity 27 of GNR 984 Activity 4 of GNR 985 Activity 18 of GNR 985 Activity 7 of GNR 985 Activity 19 of GNR 985</p>
<p>1(d) <i>The construction, erection or upgrading of roads, railways, airfields and associated structures.</i></p>	<p>Activity 24 of GNR 983 Activity 56 of GNR 983 Activity 61 of GNR 983 Activity 64 of GNR 983 Activity 61 of GNR 983 Activity 8 of GNR 984 Activity 12 of GNR 984 Activity 27 of GNR 984 Activity 4 of GNR 985 Activity 18 of GNR 985 Activity 7 of GNR 985 Activity 19 of GNR 985</p>

1(e) <i>The construction or upgrading of- marinas, harbours and all structures below the high-water mark of the sea.</i>	Activity 55 of GNR 983 Activity 23 of GNR 984
1(e) <i>The construction, erection or upgrading of marinas, harbours and all structures below the high-watermark of the sea and marinas, harbours and associated structures on inland waters.</i>	Activity 55 of GNR 983 Activity 23 of GNR 984
1(f) <i>The construction or upgrading of- cableways and associated structures.</i>	Activity 8 of GNR 985 Activity 20 of GNR 985
1(f) <i>The construction, erection or upgrading of above ground cableways and associated structures.</i>	Activity 8 of GNR 985 Activity 20 of GNR 985
1(g) <i>The construction or upgrading of- structures associated with communication network, other than telecommunication lines and cables, as well as access roads leading to these structures.</i>	Activity 62 of GNR 983 Activity 10 of GNR 984 Activity 3 of GNR 985 Activity 4 of GNR 985 Activity 18 of GNR 985
1(g) <i>The construction, erection or upgrading of structures associated with communication networks, including masts, towers and reflector dishes, marine telecommunication lines and cables and access roads leading to those structures, but not including above ground and underground telecommunication lines and cables and those reflector dishes used exclusively for domestic purposes.</i>	Activity 62 of GNR 983 Activity 10 of GNR 984 Activity 3 of GNR 985 Activity 4 of GNR 985 Activity 18 of GNR 985
1(h) <i>The construction or upgrading of racing tracks for motor powered vehicles and horse racing excluding indoor tracks.</i>	Activity 11 of GNR 985 Activity 21 of GNR 985
1(h) <i>The construction, erection or upgrading of racing tracks for motor-powered vehicles and horse racing. But not including indoor tracks.</i>	Activity 11 of GNR 985 Activity 21 of GNR 985

1(i) <i>The construction or upgrading of- canals and channels, including diversions of the normal flow of water in a river bed and water transfer schemes between water catchments and impoundments.</i>	Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 63 of GNR 983 Activity 16 of GNR 984 Activity 11 of GNR 984 Activity 14 of GNR 985 Activity 23 of GNR 985
1(i) <i>The construction, erection or upgrading of canals and channels, including structures causing disturbances to the flow of water in a river bed, and water transfer schemes between water catchments and impoundments.</i>	Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 63 of GNR 983 Activity 16 of GNR 984 Activity 11 of GNR 984 Activity 14 of GNR 985 Activity 23 of GNR 985
1(j) <i>The construction or upgrading of- dams, levees or weirs affecting the flow of a river.</i>	Activity 66 of GNR 983 Activity 16 of GNR 984
1(j) <i>The construction, erection or upgrading of dams, levees and weirs affecting the flow of a river.</i>	Activity 66 of GNR 983 Activity 16 of GNR 984
1(k) <i>The construction or upgrading of- reservoirs for public water supply.</i>	Activity 13 of GNR 983 Activity 50 of GNR 983 Activity 2 of GNR 985 Activity 16 of GNR 985
1(k) <i>The construction, erection or upgrading of reservoirs for public water supply.</i>	Activity 13 of GNR 983 Activity 50 of GNR 983

	Activity 2 of GNR 985 Activity 16 of GNR 985
1(l) <i>The construction or upgrading of- schemes for the abstraction or utilization of ground or surface water for bulk supply purposes.</i>	No similar listing
1(l) <i>The construction, erection or upgrading of schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes.</i>	No similar listing
1(m) <i>The construction or upgrading of- public and private resorts and associated infrastructure.</i>	Activity 5 of GNR 985 Activity 6 of GNR 985 Activity 17 of GNR 985
1(m) <i>The construction, erection or upgrading of public and private resorts and associated infrastructure.</i>	Activity 5 of GNR 985 Activity 6 of GNR 985 Activity 17 of GNR 985
1(n) <i>The construction or upgrading of- sewage treatment plants and associated infrastructure.</i>	Activity 25 of GNR 983 Activity 57 of GNR 983 Activity 25 of GNR 984
1(n) <i>The construction, erection or upgrading of sewerage treatment plants and associated infrastructure.</i>	Activity 25 of GNR 983 Activity 57 of GNR 983 Activity 25 of GNR 984
1(o) <i>The construction or upgrading of- buildings and structures for industrial and military manufacturing and storage of explosives or ammunition or for testing disposal of such explosives or ammunition.</i>	No similar listing
1(o) <i>The construction, erection or upgrading of buildings and structures for industrial, commercial and military manufacturing and storage of explosives or ammunition or for testing or disposal of such explosives or ammunition</i>	No similar listing

<i>2(a) and 2(b) - these activities were never effected</i>	
<i>2(c) The change of land use from agricultural or undetermined use of any other land use.</i>	Activity 28 of GNR 983 Activity 13 of GNR 984
<i>2(c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.</i>	Activity 28 of GNR 983 Activity 13 of GNR 984
<i>2(d) The change of land use from use for grazing to any other form of agricultural use.</i>	Activity 28 of GNR 983 Activity 13 of GNR 984
<i>2(d) The change of land use from use for grazing to any other form of agricultural use</i>	Activity 28 of GNR 983 Activity 13 of GNR 984
<i>2(e) The change of land use from use for nature conservation or zoned open space to any other land use.</i>	Activity 13 of GNR 984 Activity 15 of GNR 985
<i>2(e) The change of land use from use for nature conservation or zoned open space to any other land use.</i>	Activity 13 of GNR 984 Activity 15 of GNR 985
<i>3. The concentration of livestock in a confined structure for the purpose of mass commercial production.</i>	Activity 4 of GNR 983 Activity 5 of GNR 983 Activity 39 of GNR 983 Activity 40 of GNR 983
<i>3. The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture.</i>	Activity 4 of GNR 983 Activity 5 of GNR 983 Activity 6 of GNR 983 Activity 7 of GNR 983

	<p>Activity 39 of GNR 983 Activity 40 of GNR 983 Activity 41 of GNR 983 Activity 42 of GNR 983 Activity 13 of GNR 985 Activity 24 of GNR 985</p>
4. <i>The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.</i>	No similar listing
4. <i>The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.</i>	No similar listing
5. <i>The release of any organism outside its natural area of distribution that is to be used for biological pest control.</i>	No similar listing Consider Activity 29 of GNR 983
5. <i>The release of any organism outside its natural area of distribution that is to be used for biological pest control.</i>	No similar listing Consider Activity 29 of GNR 983
6. <i>The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.</i>	No similar listing
6. <i>The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.</i>	No similar listing
7. <i>The reclamation of land below the high-water mark of the sea and in inland water including wetlands.</i>	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 55 of GNR 983 Activity 16 of GNR 984 Activity 23 of GNR 984 Activity 14 of GNR 985 Activity 23 of GNR 985</p>

<p>7. <i>The reclamation of land, including wetlands, below the high-water mark of the sea, and in inland waters.</i></p>	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 55 of GNR 983 Activity 16 of GNR 984 Activity 23 of GNR 984 Activity 14 of GNR 985 Activity 23 of GNR 985</p>
<p>8. <i>The disposal of waste in terms of section 20 of the Environment Conservation Act, 1989.</i></p>	<p><i>See NEMWA</i></p>
<p>8. <i>The disposal of waste as defined in Section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble.</i></p>	<p><i>See NEMWA</i></p>
<p>9. <i>Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).</i></p>	<p>Activity 34 of GNR 983 Activity 6 of GNR 984 Activity 28 of GNR 984</p>
<p>9. <i>Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).</i></p>	<p>Activity 34 of GNR 983 Activity 6 of GNR 984 Activity 28 of GNR 984</p>

Table 4
Similar Listings (NEMA 2006 GNR 386)

NEMA 2006 Listed Activities (Listing Notice 1: GNR 386)	2014 NEMA Listed Activities
<p>1(a) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the electricity output is more than 10 megawatts but less than 20 megawatts.</i></p>	<p>Activity 1 of GNR 983 Activity 2 of GNR 983 Activity 36 of GNR 983</p>
<p>1(b) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of 1 000 tons or more but less than 100 000 tons of ore.</i></p>	<p>Activity 34 of GNR 983 Activity 6 of GNR 984 Activity 28 of GNR 984</p>
<p>1(c) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the storage of 250 tons or more but less than 100 000 tons of coal.</i></p>	<p>Activity 34 of GNR 983 Activity 6 of GNR 984 Activity 28 of GNR 984</p>
<p>1(d) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).</i></p>	<p>Activity 5 of GNR 985 Activity 6 of GNR 985 Activity 17 of GNR 985</p>
<p>1(e) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose where lawns, playing fields or sports tracks covering an area of more than three hectares, but less than 10 hectares, will be established.</i></p>	<p>Activity 11 of GNR 985 Activity 21 of GNR 985</p>
<p>1(f) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for sport spectator facilities with the capacity to hold 8 000 spectators or more.</i></p>	<p>No similar listing</p>

<p>1(g) The construction of facilities or infrastructure, including associated structures or infrastructure, for the slaughter of animals with a product throughput of 10 000 kilograms or more per year.</p>	<p>Activity 3 of GNR 983 Activity 38 of GNR 983</p>
<p>1(h) The construction of facilities or infrastructure, including associated structures or infrastructure, for the the concentration of animals for the purpose of duction in densities that exceed -</p> <ul style="list-style-type: none"> (i) 20 square metres per head of cattle and more than 500 head of cattle per facility per year; (ii) eight square meters per sheep and more than 1 000 sheep per facility per year; (iii) eight square metres per pig and more than 250 pigs per facility per year excluding piglets that are not yet weaned; (iv) 30 square metres per crocodile at any level of production, excluding crocodiles younger than 6 months; (v) three square metres per head of poultry and more than 250 poultry per facility at any time, excluding chicks younger than 20 days; (vi) three square metre per rabbit at and more than 250 rabbits per facility at any time; or (vii) 100 square metres per ostrich and more than 50 ostriches per facility per year or 2500 square metres per breeding pair. 	<p>Activity 4 of GNR 983 Activity 5 of GNR 983 Activity 39 of GNR 983 Activity 40 of GNR 983</p>
<p>1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for aquaculture production, including mariculture and algae farms, with a product throughput of 10 000 kilograms or more per year.</p>	<p>Activity 6 of GNR 983 Activity 41 of GNR 983 Activity 7 of GNR 983 Activity 42 of GNR 983 Activity 13 of GNR 985 Activity 24 of GNR 985</p>
<p>1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for agri-industrial purposes, outside areas with an existing land use zoning for industrial purposes, that cover an area of 1 000 square metres or more.</p>	<p>Activity 8 of GNR 983 Activity 43 of GNR 983</p>
<p>1(k) The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with -</p>	<p>Activity 9 of GNR 983 Activity 10 of GNR 983 Activity 45 of GNR 983</p>

<p>(i) an internal diameter of 0,36 metres or more; or (ii) a peak throughput of 120 litres per second or more.</p>	<p>Activity 56 of GNR 983</p>
<p>1(l) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.</p>	<p>Activity 11 of GNR 983 Activity 47 of GNR 983</p>
<p>1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including - (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) Weirs.</p>	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 14 of GNR 985 Activity 23 of GNR 985</p>
<p>1(n) The construction of facilities or infrastructure, including associated structures or infrastructure, for the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006.</p>	<p>Activity 13 of GNR 983 Activity 50 of GNR 983 Activity 66 of GNR 983 Activity 16 of GNR 984 Activity 2 of GNR 985 Activity 16 of GNR 985</p>
<p>1(o) The construction of facilities or infrastructure, including associated structures or infrastructure, for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days.</p>	<p>See NEMWA</p>
<p>1(p) The construction of facilities or infrastructure, including associated structures or infrastructure, for the temporary storage of hazardous waste.</p>	<p>See NEMWA</p>

<p>1(q) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the landing, parking and maintenance of aircraft including -</i></p> <ul style="list-style-type: none"> (i) <i>helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services;</i> (ii) <i>unpaved aircraft landing strips shorter than 1,4km;</i> (iii) <i>structures for equipment and aircraft storage;</i> (iv) <i>structures for maintenance and repair;</i> (v) <i>structures for fuelling and fuel storage; and</i> (vi) <i>structures for air cargo handling.</i> 	<p>Activity 61 of GNR 983 Activity 8 of GNR 984 Activity 7 of GNR 985 Activity 19 of GNR 985</p>
<p>1(r) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the outdoor racing of motor powered vehicles including -</i></p> <ul style="list-style-type: none"> (i) <i>motorcars;</i> (ii) <i>trucks;</i> (iii) <i>motorcycles;</i> (iv) <i>quad bikes;</i> (v) <i>boats; and</i> (vi) <i>jet skis.</i> 	<p>Activity 11 of GNR 985 Activity 21 of GNR 985</p>
<p>1(s) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres;</i></p>	<p>Activity 25 of GNR 983 Activity 57 of GNR 983</p>
<p>1(t) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for marinas and the launching of watercraft on inland fresh water systems.</i></p>	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983</p>
<p>1(u) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for above ground cableways and funiculars.</i></p>	<p>Activity 8 of GNR 985 Activity 20 of GNR 985</p>
<p>1(v) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising Control.</i></p>	<p>Activity 1 of GNR 985</p>

<p>2 Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –</p> <ul style="list-style-type: none"> 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; or vii. infrastructure. 	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 55 of GNR 983 Activity 26 of GNR 984</p>
<p>3 The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p>Activity 18 of GNR 983</p>
<p>4 The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.</p>	<p>Activity 19 of GNR 983</p>
<p>5 The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p>Activity 18 of GNR 983 Activity 27 of GNR 983 Activity 15 of GNR 984 Activity 12 of GNR 985</p>
<p>6 The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.</p>	<p>Activity 19 of GNR 983 Activity 23 of GNR 984</p>
<p>7 The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.</p>	<p>Activity 14 of GNR 983 Activity 51 of GNR 983 Activity 4 of GNR 984 Activity 10 of GNR 985 Activity 25 of GNR 985</p>
<p>10 The establishment of cemeteries.</p>	<p>Activity 23 of GNR 983 Activity 44 of GNR 983</p>

<p>11 <i>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.</i></p>	<p>No similar listing</p> <p>Although activity 31 of GNR 983 indeed lists decommissioning it only related to activities <u>with an operational component</u> (as mentioned in listed activity). The development activity of a dam does not have operational component so activity 31 of GNR 983 cannot apply.</p>
<p>12 <i>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).</i></p>	<p>Activity 27 of GNR 983 Activity 30 of GNR 983 Activity 13 of GNR 984 Activity 15 of GNR 984 Activity 12 of GNR 985</p>
<p>13 <i>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.</i></p>	<p>No similar listing</p>
<p>14 <i>The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding -</i></p> <ul style="list-style-type: none"> <i>(a) masts of 15 metres and lower exclusively used</i> <ul style="list-style-type: none"> <i>(i) by radio amateurs; or</i> <i>(ii) for lighting purposes</i> <i>(b) flag poles; and</i> <i>(c) lightning conductor poles.</i> 	<p>Activity 3 of GNR 985</p>
<p>15 <i>The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.</i></p>	<p>Activity 24 of GNR 983 Activity 56 of GNR 983: Activity 27 of GNR 984 Activity 4 of GNR 985 Activity 18 of GNR 985</p>

<p>16 The transformation of undeveloped, vacant or derelict land to – (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.</p>	<p>Activity 28 of GNR 983</p>
<p>17 Phased activities where any one phase of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>	<p>Activities 67 of GNR 983 & activity 26 of GNR 985 lists phased activities <i>(phasing of activities listed in these notices, which commenced on or after the effective date of these notices; or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices).</i></p>
<p>18 The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.</p>	<p>No similar listing</p>
<p>19 The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes.</p>	<p>Activity 8 of GNR 983 Activity 43 of GNR 983</p>
<p>20 The transformation of an area zoned for use as public open space or for a conservation purpose to another use.</p>	<p>Activity 15 of GNR 985</p>
<p>21 The release of genetically modified organisms into the environment in instances where assessment is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	<p>Activity 29 of GNR 983 Activity 30 of GNR 983</p>
<p>22 The release of any organism outside its natural area of distribution that is to be used for biological pest control.</p>	<p>Activity 30 of GNR 983</p>

<p>23 <i>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 -</i></p> <ul style="list-style-type: none"> <i>(i) electricity generation;</i> <i>(ii) nuclear reactors and storage of nuclear fuel;</i> <i>(iii) industrial activities where the facility or the land on which it is located is contaminated or has the potential to be contaminated by any material which may place a restriction on the potential to re-use the site for a different purpose;</i> <i>(iv) the disposal of waste;</i> <i>(v) the treatment of effluent, wastewater and sewage with an annual throughput capacity of 15 000 cubic metres or more;</i> <i>(vi) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or</i> <i>(vii) the recycling, handling, temporary storage or treatment of hazardous waste.</i> 	<p>Activity 31 of GNR 983</p> <p>This activity only relates to activities <u>with an operational component</u> (as mentioned in the "development" or expansion "listed activity"). The development activity of i.e. a electricity generation facility from a renewable resource does not have operational component so activity 31 of GNR 983 cannot apply.</p>
<p>24 <i>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 -</i></p> <ul style="list-style-type: none"> <i>(a) electricity generation;</i> <i>(b) nuclear reactors and nuclear fuel storage; or</i> <i>(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.</i> 	<p>No similar listing</p>
<p>25 <i>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.</i></p>	<p>Activity 34 of GNR 983</p>

Table 5
Similar Listings (NEMA 2006 GNR 387)

NEMA 2006 Listed Activities (Listing Notice 2: GNR 387)	2014 NEMA Listed Activities
<p>1(a) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where –</i></p> <ul style="list-style-type: none"> (i) <i>the electricity output is 20 megawatts or more; or</i> (ii) <i>the elements of the facility cover a combined area in excess of 1 hectare;</i> 	<p>Activity 1 of GNR 983 Activity 2 of GNR 983 Activity 36 of GNR 983 Activity 37 of GNR 983 Activity 1 of GNR 984 Activity 2 of GNR 984</p>
<p>1(b) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for nuclear reaction including the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and waste.</i></p>	<p>Activity 3 of GNR 984 Activity 29 of GNR 984</p>
<p>1(c) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1 000 cubic metres or more at any one location or site including the storage of one or more dangerous goods, in a tank farm.</i></p>	<p>Activity 51 of GNR 983 Activity 4 of GNR 984</p>
<p>1(d) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the refining of gas, oil and petroleum products.</i></p>	<p>Activity 59 of GNR 983 Activity 5 of GNR 984</p>
<p>1(e) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006.</i></p>	<p>Activity 34 of GNR 983 Activity 6 of GNR 984 Activity 28 of GNR 984</p>

<p>1(f) The construction of facilities or infrastructure, including associated structures or infrastructure, for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 50 tons or more daily average measured over a period of 30 days.</p>	<p>See NEMWA</p>
<p>1(g) The construction of facilities or infrastructure, including associated structures or infrastructure, for the use, recycling, handling, treatment, storage or final disposal of hazardous waste.</p>	<p>See NEMWA</p>
<p>1(h) The construction of facilities or infrastructure, including associated structures or infrastructure, for the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives.</p>	<p>No similar listing</p>
<p><u>03 July 2006 – end of day 08 October 2009</u> 1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for the extraction or processing of natural gas including gas from landfill sites.</p> <p><u>09 October 2009 - onwards</u> 1(i) The construction of facilities or infrastructure, including associated structures or infrastructure, for the extraction or processing of natural gas excluding gas from landfill sites.</p>	<p>Activity 59 of GNR 983 Activity 5 of GNR 984</p>
<p>1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day.</p>	<p>Activity 60 of GNR 983 Activity 7 of GNR 984 Activity 8 of GNR 985 Activity 20 of GNR 985</p>
<p>1(k) The construction of facilities or infrastructure, including associated structures or infrastructure, for the landing, parking and maintenance of aircraft, excluding unpaved landing strips shorter than 1,4 kilometres in length, but including – (i) airports;</p>	<p>Activity 61 of GNR 983 Activity 8 of GNR 984 Activity 7 of GNR 985 (if landing strip is 1.4km exactly) Activity 19 of GNR 985 (if landing strip is 1.4km exactly)</p>

<p>(ii) runways; (iii) waterways; or (iv) structures for engine testing.</p>	
<p>1(l) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.</p>	<p>Activity 11 of GNR 983 Activity 47 of GNR 983 Activity 9 of GNR 984</p>
<p>1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for marine telecommunications.</p>	<p>Activity 62 of GNR 983 Activity 10 of GNR 984</p>
<p>1(n) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day.</p>	<p>Activity 63 of GNR 983 Activity 11 of GNR 984</p>
<p>1(o) The construction of facilities or infrastructure, including associated structures or infrastructure, for the final disposal of general waste covering an area of 100 square metres or more or 200 cubic metres or more of airspace.</p>	<p>See NEMWA</p>
<p>1(p) The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more.</p>	<p>Activity 25 of GNR 984 Activity 57 of GNR 983</p>
<p>1(q) The construction of facilities or infrastructure, including associated structures or infrastructure, for the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue.</p>	<p>See NEMWA</p>
<p>1(r) The construction of facilities or infrastructure, including associated structures or infrastructure, for the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent.</p>	<p>See NEMWA</p>

<p>1(s) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including –</i></p> <ul style="list-style-type: none"> (i) <i>railway lines;</i> (ii) <i>stations; or</i> (iii) <i>shunting yards.</i> 	<p>Activity 64 of GNR 983 Activity 12 of GNR 984</p>
<p>1(t) <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.</i></p>	<p>No similar listing</p>
<p>2. <i>Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.</i></p>	<p>No similar listing</p>
<p>3. <i>The construction of filling stations, including associated structures and infrastructure, or any other facility for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin.</i></p>	<p>Activity 14 of GNR 983 Activity 51 of GNR 983 Activity 4 of GNR 984 Activity 10 of GNR 985 Activity 25 of GNR 985</p>
<p>4. <i>The extraction of peat.</i></p>	<p>Activity 24 of GNR 984</p>
<p>5. <i>The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before the publication of this notice and which has not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, where –</i></p> <ul style="list-style-type: none"> a. <i>it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);</i> b. <i>it is a road administered by a provincial authority;</i> c. <i>the road reserve is wider than 30 metres; or</i> d. <i>the road will cater for more than one lane of traffic in both directions.</i> 	<p>Route determination no longer a listed activity:</p> <p>Development of a road however still listed</p> <ul style="list-style-type: none"> - Activity 24 of GNR 983 - Activity 27 of GNR 984 - Activity 4 of GNR 985

<p>6. <i>The construction of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</i></p>	<p>Activity 66 of GNR 983 Activity 16 of GNR 984</p>
<p>9. <i>Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, excluding an activity listed in item 2 of Government Notice No. R. 386 of 2006 but including construction or earth moving activities in respect of –</i></p> <ul style="list-style-type: none"> <i>a. facilities associated with the arrival and departure of vessels and the handling of cargo;</i> <i>b. piers;</i> <i>c. inter- and sub-tidal structures for entrapment of sand;</i> <i>d. breakwater structures;</i> <i>e. rock revetments and other stabilising structures;</i> <i>f. coastal marinas;</i> <i>g. coastal harbours;</i> <i>h. structures for draining parts of the sea;</i> <i>i. tunnels; or</i> <i>j. underwater channels.</i> 	<p>Activity 12 of GNR 983 Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 55 of GNR 983 Activity 23 of GNR 984</p>
<p>10. <i>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i></p>	<p>Activity 30 of GNR 983</p>

Table 6
Similar Listings (NEMA 2010 GNR 544)

	NEMA 2010 Listed Activities (Listing Notice 1: GNR 544)	2014 NEMA Listed Activities
1.	The construction of facilities or infrastructure for the generation of electricity where: <ul style="list-style-type: none"> i. the electricity output is more than 10 megawatts but less than 20 megawatts; or ii. the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare. 	Activity 1 of GNR 983 Activity 2 of GNR 983
2.	The construction of facilities or infrastructure for the storage of ore or coal that requires an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act (Act No. 39 of 2004).	Activity 6 of GNR 984 Activity 28 of GNR 984
3.	The construction of facilities or infrastructure for the slaughter of animals with a product throughput of: <ul style="list-style-type: none"> (i) poultry exceeding 50 poultry per day; or (ii) game and red meat exceeding 6 units per day. 	Activity 3 of GNR 983
4.	The construction of facilities or infrastructure for the concentration of animals for the purpose of commercial production in densities that exceed— <ul style="list-style-type: none"> (i) 20 square metres per large stock unit and more than 500 units, per facility; (ii) 8 square meters per small stock unit and; <ul style="list-style-type: none"> a. more than 1 000 units per facility excluding pigs where (b) will apply; b. more than 250 pigs per facility excluding piglets that are not yet weaned; 	Activity 4 of GNR 983

	<p>(iii) 30 square metres per crocodile at any level of production, excluding crocodiles <u>younger than 6 months</u>;</p> <p>(iv) 3 square metre per rabbit and more than 500 rabbits per facility; or</p> <p>(v) 250 square metres per ostrich oremu and more than 50 ostriches or emus per facility; or 2500 square metres per breeding pair.</p> <p style="text-align: center;">[Corrected by "Correction Notice 1" of 30 July 2010, GN No. R. 660, and "Correction Notice 2" of 10 December 2010, GN No. R. 1159]</p>	
5.	<p>The construction of facilities or infrastructure for the concentration of:</p> <p>(i) more than 1 000 poultry per facility situated within an urban area, excluding chicks younger than 20 days</p> <p>(ii) more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days,</p>	Activity 5 of GNR 983
6.	<p>The construction of facilities, infrastructure or structures for aquaculture of:</p> <p>(i) finfish, crustaceans, reptiles or amphibians where such facility, infrastructure or structures will have a production output exceeding 20 000 kg but less than 200 000 kg per annum (wet weight);</p> <p>(ii) molluscs where such facility, infrastructure or structures will have a production output exceeding 30 000 kg but not exceeding 150 000 kg per annum (wet weight);</p> <p>(iii) aquatic plants where such facility, infrastructure or structures will have a production output exceeding 60 000 kg but not exceeding 200 000 kg per annum (wet weight);</p> <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 7 in this Notice will apply.</p>	<p>Activity 6 of GNR 983 Activity 7 of GNR 983 Activity 13 of GNR 985</p>

7.	The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output exceeding 50 000 kg but not exceeding 100 000 kg per annum (wet weight).	Activity 6 of GNR 983 Activity 7 of GNR 983 Activity 13 of GNR 985
8.	The construction of a hatchery or agri-industrial infrastructure outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.	Activity 8 of GNR 983
9.	<p>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</p> <p>(vii) with an internal diameter of 0,36 metres or more; or</p> <p>(viii) with a peak throughput of 120 litres per second or more,</p> <p>excluding where:</p> <p>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</p> <p>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</p>	Activity 9 of GNR 983 Activity 10 of GNR 983
10.	<p>The construction of facilities or infrastructure for the transmission and distribution of electricity -</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p>	Activity 11 of GNR 983 Activity 9 of GNR 984

<p>11.</p>	<p>The construction of:</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Activity 12 of GNR 983 Activity 16 of GNR 984 Activity 14 of GNR 985</p>
<p>12.</p>	<p>The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 19 of Notice 545 of 2010;</p>	<p>Activity 13 of GNR 983 Activity 16 of GNR 984 Activity 2 of GNR 985</p>
<p>13.</p>	<p>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;</p>	<p>Activity 14 of GNR 983</p>

14.	<p>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</p> <ul style="list-style-type: none"> (i) the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour; (ii) the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies; (iii) the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks. 	Activity 15 of GNR 983
15.	<p>The construction of facilities for the desalination of sea water with a design capacity to produce more than 100 cubic metres of treated water per day.</p>	Activity 16 of GNR 983
16.	<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"> - (iii) fixed or floating jetties and slipways; (iv) tidal pools; (v) embankments; (vi) rock revetments or stabilising structures including stabilising walls; (vii) buildings of 50 square metres or more; or (viii) infrastructure covering 50 square metres or more - <p>but excluding</p> <ul style="list-style-type: none"> (a) if such construction or earth moving activities will occur behind a development setback line; or (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth 	Activity 17 of GNR 983 Activity 23 of GNR 984 Activity 26 of GNR 984

	<p>moving activities will not increase the development footprint or throughput capacity of the port or harbour;</p> <p>(c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or</p> <p>(d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.</p>	
17.	<p>The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback line.</p>	Activity 18 of GNR 983
18.	<p>[The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <p>(i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(ii) occurs behind the development setback line.]</p> <p><u>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</u></p> <p><u>(i) a watercourse;</u></p> <p><u>(ii) the sea;</u></p>	<p>Activity 19 of GNR 983</p> <p>Activity 23 of GNR 984</p>

	<p><u>(iii) the seashore;</u> <u>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</u></p> <p><u>but excluding where such infilling, depositing, dredging, excavation, removal or moving:</u></p> <p><u>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</u> <u>(b) occurs behind the development setback line.</u></p> <p>[Corrected by "Correction Notice 2" of 10 December 2010, GN No. R. 1159]</p>	
19.	Any activity which requires a prospecting right or renewal thereof in terms of section 16 and 18 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
20.	Any activity requiring a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) or renewal thereof.	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
21.	The establishment of cemeteries of 2500 square metres or more in size.	Activity 23 of GNR 983
22.	The construction of a road, outside urban areas, (i) with a reserve wider than 13,5 meters or, (ii) where no reserve exists where the road is wider than 8 metres, or (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.	Activity 24 of GNR 983 Activity 27 of GNR 984 Activity 4 of GNR 985
23.	The transformation of undeveloped, vacant or derelict land to – (c) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be	Activity 28 of GNR 983

	<p>transformed is 5 hectares or more, but less than 20 hectares, or</p> <p>(d) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; - [except where such transformation takes place for linear activities] <u>except where such transformation takes place –</u></p> <p><u>(i) for linear activities; or</u></p> <p><u>(ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.</u></p> <p style="text-align: center;">[Corrected by “Correction Notice 1” of 30 July 2010, GN No. R. 660]</p>	
24.	<p>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.</p> <p style="text-align: center;">[Corrected by “Correction Notice 2” of 10 December 2010, GN No. R. 1159]</p>	Activity 15 of GNR 985
25.	<p>The release of genetically modified organisms into the environment, where assessment for such release is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	Activity 29 of GNR 983
26.	<p>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	Activity 30 of GNR 983
27.	<p>The decommissioning of existing facilities or infrastructure, for -</p> <p>(viii) electricity generation with a threshold of more than 10MW;</p> <p>(ix) electricity transmission and distribution with a threshold of more than 132kV;</p>	<p>Activity 31 of GNR 983</p> <p><i>This activity only relates to activities <u>with an operational component</u> (as mentioned in the “development” or expansion “listed activity). The development activity of i.e. a</i></p>

	<p>(x) nuclear reactors and storage of nuclear fuel;</p> <p>(xi) activities, where the facility or the land on which it is located is contaminated ;</p> <p>(xii) storage, or storage and handling, of dangerous goods of more than 80 cubic metres;</p> <p>but excluding any facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No. 543 of 2010.</p>	<p>electricity generation facility from a renewable resource does not have operational component so activity 31 of GNR 983 cannot apply.</p>
<p>28.</p>	<p>The expansion of or changes to existing facilities for any process or activity where such expansion or changes to will result in the need for a [new, or amendment of, an existing] permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p> <p style="text-align: center;">[Corrected by "Correction Notice 1" of 30 July 2010, GN No. R. 660, and "Correction Notice 2" of 10 December 2010, GN No. R. 1159]</p>	<p>Activity 34 of GNR 983</p>
<p>29.</p>	<p>The expansion of facilities for the generation of electricity where:</p> <p>(i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or</p> <p>(ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more.</p>	<p>Activity 36 of GNR 983 Activity 37 of GNR 983</p>

30.	<p>The expansion of facilities for the slaughter of animals where the daily product throughput will be increased by more than:</p> <ul style="list-style-type: none"> (i) 50 poultry or (ii) 6 units of red meat and game. 	<p>Activity 3 of GNR 983 Activity 38 of GNR 983</p>
31.	<p>The expansion of facilities for the concentration of animals for the purpose of commercial production in densities that will exceed—</p> <ul style="list-style-type: none"> (i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units; (ii) 8 square meters per small stock unit, where the expansion will constitute more than: <ul style="list-style-type: none"> a. 1 000 additional units per facility or more excluding pigs where (b) will apply; b. 250 additional pigs, excluding piglets that are not yet weaned; (iii) 30 square metres per crocodile at any level of production where the expansion will constitute an increase in the level of production, excluding crocodiles younger than 6 months; (iv) 3 square metre per rabbit where the expansion will constitute more than 500 additional rabbits; or (v) 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus; and (vi) 2500 square metres per breeding pair, where the facility will be increased by 2500 square metres or more. 	<p>Activity 39 of GNR 983</p>
32.	<p>The expansion of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by:</p> <ul style="list-style-type: none"> (i) more than 1 000 poultry where the facility is situated within an urban area; or (ii) more than 5 000 poultry per facility situated outside an urban area. 	<p>Activity 40 of GNR 983</p>

33.	<p>The expansion of facilities, infrastructure or structures for aquaculture of-</p> <ul style="list-style-type: none"> (i) finfish, crustaceans, reptiles or amphibians, where the production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more; (ii) molluscs where the production output of such facility, infrastructure or structures will be increased by 30 000 (wet weight) or more; (iii) aquatic plants where the production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more. 	<p>Activity 41 of GNR 983 Activity 42 of GNR 983 Activity 24 of GNR 985</p>
34.	<p>The expansion of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the production output of such facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.</p>	<p>Activity 41 of GNR 983 Activity 42 of GNR 983 Activity 24 of GNR 985</p>
35.	<p>The expansion of facilities for agri-industrial purposes outside industrial complexes, where the development footprint of the facility will be increased by a 1 000 square metres or more, with the exception of hatcheries, where activity 36 in this Notice applies.</p>	<p>Activity 43 of GNR 983</p>
36.	<p>The expansion of hatcheries, outside industrial complexes, where the development footprint of the hatchery will be increased by 2 000 square metres or more.</p>	<p>Activity 43 of GNR 983</p>
37.	<p>The expansion of facilities or infrastructure for the bulk transportation of water, sewage or storm water where:</p> <ul style="list-style-type: none"> (a) the facility or infrastructure is expanded by more than 1000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more- 	<p>Activity 45 of GNR 983 Activity 56 of GNR 983</p>

	<p>excluding where such expansion:</p> <p>(i) relates to transportation of water, sewage or storm water within a road reserve; or</p> <p>(ii) where such expansion will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</p>	
38.	The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.	Activity 47 of GNR 983
39.	<p>The expansion of</p> <p>(i) canals;</p> <p>(ii) channels;</p> <p>(iii) bridges;</p> <p>(iv) weirs;</p> <p>(v) bulk storm water outlet structures;</p> <p>(vi) marinas;</p> <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.</p>	<p>Activity 48 of GNR 983</p> <p>Activity 49 of GNR 983</p> <p>Activity 23 of GNR 985</p>
40.	<p>The expansion of</p> <p>(i) jetties by more than 50 square metres;</p> <p>(ii) slipways by more than 50 square metres;</p> <p>(iii) buildings by more than 50 square metres; or</p> <p>(iv) <u>infrastructure by more than 50 square metres.</u></p> <p>within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will</p>	<p>Activity 48 of GNR 983</p> <p>Activity 49 of GNR 983</p> <p>Activity 23 of GNR 985</p>

	occur behind the development setback line. [Corrected by "Correction Notice 2" of 10 December 2010, GN No. R. 1159]	
41.	The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50000 cubic metres or more.	Activity 50 of GNR 983 Activity 66 of GNR 983 Activity 16 of GNR 985
42.	The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.	Activity 51 of GNR 983
43.	The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.	Activity 52 of GNR 983
44.	The expansion of facilities for the desalination of sea water where the design capacity will be expanded to produce an additional 100 cubic metres or more of treated water per day.	Activity 53 of GNR 983
45.	The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for – (i) fixed or floating jetties and slipways; (ii) tidal pools; (iii) embankments; (iv) rock revetments or stabilising structures including stabilising walls; (v) buildings by more than 50 square metres;	Activity 49 of GNR 983 Activity 54 of GNR 983 Activity 55 of GNR 983 Activity 23 of GNR 984

	<ul style="list-style-type: none"> (vi) infrastructure by more than 50 square metres; (vii) facilities associated with the arrival and departure of vessels and the handling of cargo; (viii) piers; (ix) inter- and sub-tidal structures for entrapment of sand; (x) breakwater structures; (xi) coastal marinas; (xii) coastal harbours or ports; (xiii) structures for draining parts of the sea or estuary; (xiv) tunnels; or (xv) underwater channels – <p>where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <ul style="list-style-type: none"> (a) behind a development setback line; or (b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour. 	
46.	The expansion of cemeteries by an additional 2500 square metres or more.	Activity 44 of GNR 983
47.	<p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</p> <ul style="list-style-type: none"> (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres – <p>excluding widening or lengthening occurring inside urban areas.</p>	<p>Activity 56 of GNR 983 Activity 18 of GNR 985</p>

48.	<p>The expansion of facilities for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the facility will be increased by 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</p> <p style="text-align: center;">[Corrected by "Correction Notice 1" of 30 July 2010, GN No. R. 660]</p>	Activity 59 of GNR 983
49.	<p>The expansion of facilities or infrastructure for the bulk transportation of dangerous goods:</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day; (ii) in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or (iii) in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day. 	Activity 60 of GNR 983
50.	<p>The expansion of airports where the development footprint will be increased.</p>	Activity 61 of GNR 983
51.	<p>The expansion of facilities or infrastructure for marine telecommunication where there will be an increased development footprint.</p>	Activity 62 of GNR 983
52.	<p>The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following:</p> <ul style="list-style-type: none"> (i) water catchments; (ii) water treatment works; or (iii) impoundments; <p>where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for</p>	Activity 63 of GNR 983

	drinking purposes.	
53.	<p>The expansion of railway lines, stations or shunting yards where there will be an increased development footprint – excluding:</p> <ul style="list-style-type: none"> (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in mines; and (iii) additional railway lines within the reserve of an existing railway line. 	Activity 64 of GNR 983
54.	The expansion of an island, anchored platform or any other permanent structure on or along the sea bed, where the expansion will constitute an increased development footprint.	Activity 65 of GNR 983 Activity 23 of GNR 984
55.	<p>The expansion of a dam where:</p> <ul style="list-style-type: none"> (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or (ii) where the high-water mark of the dam will be increased with 10 hectares or more. 	Activity 66 of GNR 983
56.	<p>Phased activities for all activities listed in this Schedule, which commenced on or after the effective date of this Schedule, where anyone phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold; -</p> <p>excluding the following activities listed in this Schedule:</p> <ul style="list-style-type: none"> 2; 11(i)-(vii); 	Activities 67 of GNR 983 & activity 26 of GNR 985 lists phased activities (phasing of activities listed in these notices, which commenced on or after the effective date of these notices; or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices.

16(i)-(iv); 17; 19; 20; 22(i) & 22(iii); 25; 26; 27(iii) & (iv); 28; 39; 45(i)-(iv) & (vii)-(xv); 50; 51; 53; and 54.	
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Table 7
Similar Listings (NEMA 2010 GNR 545)

Activity number	NEMA 2010 Listed Activities (Listing Notice 2: GNR 545)	2014 NEMA Listed Activities
1.	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.	Activity 1 of GNR 984 Activity 2 of GNR 984
2.	The construction of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.	Activity 3 of GNR 984
3.	The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.	Activity 4 of GNR 984
4.	The construction of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products with an installed capacity of 50 cubic metres or more <u>per day</u> , excluding facilities for the refining, extraction or processing of gas from landfill sites. [Corrected by "Correction Notice 1" of 30 July 2010, GN No. R. 660]	Activity 5 of GNR 984
5.	The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.	Activity 6 of GNR 984

6.	<p>The construction of facilities or infrastructure for the bulk transportation of dangerous goods -</p> <ul style="list-style-type: none"> (i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day; (ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day; or (iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons day. 	<p>Activity 7 of GNR 984 Activity 8 of GNR 985</p>
7.	<p>The construction of</p> <ul style="list-style-type: none"> (i) airports, or (ii) runways or aircraft landing strips longer than 1,4 kilometres. 	<p>Activity 8 of GNR 984</p>
8.	<p>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p>	<p>Activity 9 of GNR 984</p>
9.	<p>The construction of facilities or infrastructure for marine telecommunication.</p>	<p>Activity 10 of GNR 984</p>
10.	<p>The construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following:</p> <ul style="list-style-type: none"> (i) water catchments, (ii) water treatment works; or (iii) impoundments, <p>excluding treatment works where water is to be treated for drinking purposes.</p>	<p>Activity 11 of GNR 984</p>

11.	<p>The construction of railway lines, stations or shunting yards, excluding -</p> <ul style="list-style-type: none"> (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in a mining area; and (iii) additional railway lines within the reserve of an existing railway line. 	<p>Activity 12 of GNR 984</p>
12.	<p>The construction of facilities, infrastructure or structures for aquaculture of -</p> <ul style="list-style-type: none"> (i) finfish, crustaceans, reptiles or amphibians where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight); (ii) molluscs where the facility, infrastructure or structures will have a production output of 150000 or more kg per annum (live round weight); (iii) aquatic plants where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight); <p>excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 13 in this Notice will apply.</p>	<p>Activity 6 of GNR 983 Activity 7 of GNR 983 Activity 13 of GNR 985</p>
13.	<p>The construction of facilities, infrastructure or structures for aquaculture of offshore cage culture of finfish, crustaceans, reptiles, amphibians, molluscs and aquatic plants where the facility, infrastructure or structures will have a production output of 100 000 or more kg per annum (live round weight).</p>	<p>Activity 6 of GNR 983 Activity 7 of GNR 983 Activity 13 of GNR 985</p>
14.	<p>The construction of an island, anchored platform or any other permanent structure on or along the sea bed <u>excluding construction of facilities, infrastructure or structures for aquaculture purposes;</u></p> <p>[Corrected by "Correction Notice 2" of 10December 2010, GN No. R. 1159]</p>	<p>Activity 14 of GNR 984 Activity 23 of GNR 984</p>

15.	<p>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</p> <p>except where such physical alteration takes place for:</p> <p>(i) linear development activities; or</p> <p>(ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p>	<p>Activity 28 of GNR 983 Activity 15 of GNR 984</p>
16.	<p>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</p>	<p>Activity 13 of GNR 984</p>
17.	<p>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.</p>	<p>Activity 24 of GNR 984</p>
18.	<p>The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before 03 July 2006 and which have not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 or 2009, made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006,—</p> <p>(i) it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);</p> <p>(ii) it is a road administered by a provincial authority;</p> <p>(iii) the road reserve is wider than 30 metres; or</p> <p>(iv) the road will cater for more than one lane of traffic in both directions.</p>	<p>Route determination of roads no longer listed</p> <p>Development of roads listed</p> <ul style="list-style-type: none"> - Activity 24 of GNR 983 - Activity 27 of GNR 984 - Activity 4 of GNR 985
19.	<p>The construction of a dam, where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5</p>	<p>Activity 16 of GNR 984</p>

	metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.	
20.	Any activity which requires a mining right or renewal thereof as contemplated in sections 22 and 24 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
21.	Any activity which requires an exploration right or renewal thereof as contemplated in sections 79 and 81 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
22.	Any activity which requires a production right or renewal thereof as contemplated in sections 83 and 85 respectively of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
23.	Any activity which requires a reconnaissance permit as contemplated in section 74 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), excluding where such reconnaissance is conducted by means of a fly over.	See Table 9 - NEWLY Listed Activities (effected on 08 December 2014 for the first time)
24.	Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of: <ul style="list-style-type: none"> (i) facilities associated with the arrival and departure of vessels and the handling of cargo; (ii) piers; (iii) inter- and sub-tidal structures for entrapment of sand; (iv) breakwater structures; (v) coastal marinas; (vi) coastal harbours or ports; (vii) structures for reclaiming parts of the sea; 	Activity 17 of GNR 983 Activity 23 of GNR 984 Activity 26 of GNR 984

	<p>(viii) tunnels; or</p> <p>(ix) underwater channels;</p> <p>but excluding —</p> <p>(a) activities listed in activity 16 in Notice 544 of 2010,</p> <p>(b) construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;</p> <p>(c) where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or</p> <p>(d) where such construction or earth moving activities takes place for maintenance purposes.</p>	
25.	<p>The expansion of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and nuclear and radioactive waste.</p>	<p>Activity 29 of GNR 984</p>
26.	<p><u>Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), except where Activity 28 in Notice No. R. 544 of 2010 applies such commencement requires basic assessment in terms of Notice of No. R544 of 2010.</u></p> <p>[Corrected by “Correction Notice 1” of 30 July 2010, GN No. R. 660, and “Correction Notice 2” of 10 December 2010, GN No. R. 1159]</p>	<p>Activity 6 of GNR 984 Activity 28 of GNR 984</p>

Table 8
Similar Listings (NEMA 2010 GNR 546)

Activity number	Activity description	2014 NEMA Listed Activities
1	The construction of billboards exceeding 18 square metres in size outside urban or mining areas or outside industrial complexes.	Activity 1 of GNR 985
2	The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.	Activity 13 of GNR 983 Activity 2 of GNR 985
3	The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast: (a) is to be placed on a site not previously used for this purpose, and (b) will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.	Activity 3 of GNR 985
4	The construction of a road wider than 4 metres with a reserve less than 13,5 metres.	Activity 24 of GNR 983 Activity 4 of GNR 985
5	The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.	Activity 5 of GNR 985
6	The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.	Activity 6 of GNR 985

7	The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.	Activity 6 of GNR 985 <i>(see definition of development – it includes establishment of facilities)</i>
8	The construction of aircraft landing strips and runways [shorter than 1,4 kilometres] <u>1.4 kilometres and shorter.</u> [Corrected by “Correction Notice 2” of 10 December 2010, GN No. R. 1159]	Activity 7 of GNR 985
9	The construction of above ground cableways and funiculars;	Activity 8 of GNR 985
10	The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.	Activity 10 of GNR 985
11	The construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.	Activity 11 of GNR 985
12	The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.	Activity 27 of GNR 983 Activity 15 of GNR 984 Activity 12 of GNR 985
13	The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for: (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in	Activity 27 of GNR 983 Activity 15 of GNR 984 Activity 12 of GNR 985

	<p>which case the activity is regarded to be excluded from this list; or</p> <p>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p>	
14	<p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</p> <p>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list; or</p> <p>(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</p>	<p>Activity 27 of GNR 983 Activity 15 of GNR 984 Activity 12 of GNR 985</p>
15	<p>The construction of facilities, infrastructure or structures of any size for any form of aquaculture.</p>	<p>Activity 13 of GNR 985</p>
16	<p>The construction of:</p> <p>(i) jetties exceeding 10 square metres in size;</p> <p>(ii) slipways exceeding 10 square metres in size;</p> <p>(iii) buildings with a footprint exceeding 10 square metres in size; or</p> <p>(iv) infrastructure covering 10 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Activity 12 of GNR 983 Activity 14 of GNR 983</p>

17	The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres.	Activity 50 of GNR 983 Activity 16 of GNR 985
18	The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.	Activity 17 of GNR 985
19	The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.	Activity 56 of GNR 983 Activity 18 of GNR 985
20	The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.	Activity 19 of GNR 985
21	The expansion of above ground cableways and funiculars where the development footprint will be increased.	Activity 20 of GNR 985
22	The expansion of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.	Activity 21 of GNR 985
23	The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.	Activity 25 of GNR 985

24	<p>The expansion of</p> <ul style="list-style-type: none"> (a) jetties where the jetty will be expanded by 10 square metres in size or more; (b) slipways where the slipway will be expanded by 10 square metres or more; (c) buildings where the buildings will be expanded by 10 square metres or more in size; or (d) infrastructure where the infrastructure will be expanded by 10 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Activity 48 of GNR 983 Activity 49 of GNR 983 Activity 23 of GNR 983</p>
25	<p>The expansion of facilities, infrastructure or structures of any size for any form of aquaculture.</p>	<p>Activity 24 of GNR 985</p>
26	<p>Phased activities for all activities listed in this Schedule and as it applies to a specific geographical area, which commenced on or after the effective date of this Schedule, where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>	<p>Activities 67 of GNR 983 & activity 26 of GNR 985 lists phased activities (phasing of activities listed in these notices, which commenced on or after the effective date of these notices; or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices.</p>

Table 9 provides more information with regards to the newly listed activities. It remains the proponent's responsibility to consult all 3 lists and to accordingly consider the implications thereof on their individual project ventures.

Table 9.

<p>NEWLY Listed Activities (some effected on 08 December 2014 for the first time) includes <i>inter alia</i> the following:</p>
<p>Activity 33 of GNR 983: <i>The underground gasification of 300 kilograms or more coal per day, including any associated operation.</i></p>
<p>Activity 58 of GNR 983: <i>The increase of the amount of coal gasified underground, where any such increase exceeds 300 kg per day, including any associated operation.,.</i></p>
<p>Activity 20 of GNR 983: <i>Any activity including the operation of that 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), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</i></p>
<p>Activity 21 of GNR 983: <i>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, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</i></p>
<p>Activity 21 of GNR 983: <i>The decommissioning of any activity requiring –</i></p> <ul style="list-style-type: none"> <i>i. a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</i> <i>ii. a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.</i>
<p>Activity 26 of GNR 983: <i>Residential, retail, recreational, tourism, commercial or institutional developments of 1000 square metres or more, on land previously used for mining or heavy industrial purposes; — excluding —</i></p> <ul style="list-style-type: none"> <i>i. where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or</i> <i>ii. where an environmental authorisation has been obtained for the decommissioning of such a mine or industry in terms of this Notice or any previous NEMA notice; or</i> <i>iii. where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land.</i>
<p>Activity 32 of GNR 983: <i>The continuation of any development where the environmental authorisation has lapsed and where the continuation of the development, after the date the environmental authorisation has lapsed will meet the threshold of any activity or activities listed in this Notice, Listing Notice 2 of 2014, or Listing Notice 3 or Listing Notice 4 of 2014.</i></p>
<p>Activity 35 of GNR 983: <i>The expansion of residential, retail, recreational, tourism, commercial or institutional developments on land previously used for mining or heavy industrial purposes, where the increased development footprint will exceed 1000 square meters;</i></p> <p><i>excluding —</i></p> <ul style="list-style-type: none"> <i>(i) where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National</i>

Environmental Management: Waste Act, 2008 applies; or

- (ii) where an environmental authorisation has been obtained for the decommissioning of such a mine or industry in terms of this Notice or any previous NEMA notice; or
- (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land.

Activity 17 of GNR 984:

Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

Activity 18 of GNR 984:

Any activity including the operation of that activity which requires an exploration right as contemplated in section 79 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks.

Activity 19 of GNR 984:

The removal and disposal of minerals contemplated in terms of section 20 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

Activity 20 of GNR 984:

Any activity including the operation of that activity which requires a production right as contemplated in section 83 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to the primary processing of a petroleum resource.

Activity 21 of GNR 984:

Any activity including the operation of that activity associated with the primary processing of a mineral resource including winning, reduction, extraction, classifying, concentrating, crushing, screening and washing but excluding the smelting, beneficiation, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.

Activity 22 of GNR 984:

Any 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 applies.

Activity 9 of GNR 985

The development and related operation of zip- lines or foefie-slides exceeding 100 metres in length.

Activity 20 of GNR 985

The expansion and related operation of zip- lines or foefie-slides, where the zip- line or foefie-slide is expanded by 100 metres in length or more