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**Chief Directorate: Environmental and Land Management**

**NEMA ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS  
GUIDELINE AND INFORMATION DOCUMENT SERIES**

**GUIDELINE ON THE INTERPRETATION OF THE LISTED ACTIVITIES**

**NOVEMBER 2006**

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## ABBREVIATIONS:

CARA	Conservation of Agricultural Resources Act, 1983 (Act no. 43 of 1983)
DEA&DP	Department of Environmental Affairs and Development Planning
DEAT	National Department of Environmental Affairs and Tourism
DME	Department of Minerals and Energy
DWAF	Department of Water Affairs and Forestry
ECA	Environment Conservation Act, 1989 (Act no. 73 of 1989)
EIA	Environmental Impact Assessment
GMOA	Genetically Modified Organisms Act. 1997 (Act 15 of 1997)
I&AP's	Interested and affected parties
LUPO	Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985)
NEMA	National Environmental Management Act, 1998 (Act no. 107 of 1998)
NEM:BA	National Environmental Management: Biodiversity Act, 2004 (Act no. 10 of 2004)
NEM:PAA	National Environmental Management: Protected Areas Act, 2003 (Act no. 57 of 2003)
NWA	National Water Act, 1998 (Act no. 36 of 1998)
WCPSDF	Western Cape Provincial Spatial Development Framework

## 1. INTRODUCTION

On 21 April 2006 the Minister of Environmental Affairs and Tourism promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") (Government Notice No. R. 385, R. 386, and R. 387 in Government Gazette No. 28753 of 21 April 2006 refer). The regulations replace the environmental impact assessment ("EIA") regulations that were promulgated in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in 1997 and introduce new provisions regarding environmental impact assessment.

This guideline forms part of this Department's *NEMA Environmental Impact Assessment Regulations Guideline and Information Document Series* and provides information and guidance for applicants, authorities and interested and affected parties ("I&APs") regarding the interpretation of the listed activities. This guideline should be read in conjunction with NEMA and *the regulations* and is not intended to be a substitute for the provisions of NEMA or the regulations in any way.

## **2. PURPOSE OF THE GUIDELINE**

The guideline relates to the administration of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) Impact Assessment Regulations. It is aimed at government authorities, non-governmental organization, environment assessment practitioners, project applicants, Interested and affected parties, etc. It is anticipated that the guideline would create a common understanding amongst the different stakeholders of what is required in the interpretation of the activities listed in the respective Government Notices (viz. GN. R386 of 2006; and GN. R387 of 2006) related to the NEMA Environmental Impact Assessment (EIA).

The guideline includes information on:

- (a) the Listed Activities to which the NEMA EIA Regulations apply;
- (b) the interpretation of the Listed Activities legal requirements for identifying and assessing alternatives in the EIA process;
- (c) definitions and terms used; and
- (d) general matters pertaining to the interpretation and consideration of the respective activities.

## **3. HOW TO USE THIS GUIDELINE DOCUMENT**

### **3.1 Interpreting Listed Activities**

The basis for interpreting Listed Activities is given for each activity in tabular form. (Refer to Figure 1 for an explanation of the content and layout of the table). This interpretation may be demonstrated by the applicable Departmental Policy / Guidelines that should be considered. The interpretation may be corroborated by relevant legislation and/or policy that have been developed. The applicable DEA&DP Policy/Guidelines as well as relevant legislation are listed separately and can be made available on request.

The tables contained in this guideline cover the following:

- the activity number and description of the activities as listed in the respective Government Notices (viz. GN. R386 of 2006; and GN. R387 of 2006) regarding the NEMA EIA Regulations. Note that activities of a similar nature, but with different thresholds, have been described opposite one another for comparison purposes.
- the relevant definitions provided in the respective Government Notices (viz. GN. R386 of 2006; and GN. R387 of 2006);

- the DEA&DP interpretation which serves to clarify the activity on the basis of both the definitions and the descriptions given in the respective as well as relevant examples where applicable. It must be noted that this clarification relates directly to the legislation – the DEA&DP interpretation of the Listed Activities cannot be such that it redefines or expands the scope of the definition.
- the DEA&DP interpretation provides guidance on these broad, loosely defined or ambiguous terms by providing examples of activities that will be regarded to be “included” and “not included”.

*Inclusions:* examples of activities or types thereof that are regarded to constitute the relevant listed activity or a part thereof.

*Not Included:* examples of activities or types thereof that are not regarded to constitute the relevant listed activity or that are excluded or not captured by the listed activity.

- A general section provides guidance regarding the management of an application to assist with interpreting the listed activity as well as a list of the applicable items from the Schedules provided in the respective Government Notices (GN. R386 of 2006; and GN. R387 of 2006) that should be considered.

<b>ACTIVITIES THAT REQUIRE - BASIC ASSESSMENT or SCOPING &amp; EIA</b>
<p><b>No. &amp; DESCRIPTION OF LISTED ACTIVITY:</b> <i>The full description of the activity listed in Government Notice 386 and Government Notice 387.</i></p>
<p><b>INTERPRETATION:</b> <i>This section provides clarity and definitions of specific words or phrases within the description of the activity and / or a description of words, phrases or examples in support of interpreting the activity.</i></p>
<p><b>INCLUSIONS:</b> <i>A brief description is provided of specific issues not clearly defined or included in the definitions per se. Specific examples are described where applicable.</i></p> <p><b>NOT INCLUDED:</b> <i>A brief description is provided of activities that are not included in the interpretation of the listed activity. Specific examples are described where applicable.</i></p>
<p><b>General Notes:</b> <i>This section provides guidance on the management of an application while interpreting the listed activity and a list of the applicable legislation and items from the Schedule contained in the respective Government Notices (GN. R386 of 2006; and GN. R387 of 2006) that should be considered.</i></p>

Figure 1: Example of content and layout of the interpretation guide.

### 3.2 Identifying the Competent Authority

The competent authority in respect of the activities listed in the respective schedules is the environmental authority in the province in which the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of NEMA, in which case the competent authority is the Minister of Environmental Affairs and Tourism or an organ of state with delegated powers in terms of section 42(1) of NEMA, as amended.

The Minister of Environmental Affairs and Tourism or the delegated authority in DEAT, is therefore the competent authority in terms of section 24C(2) of NEMA, if the activity-

- (a) has implications for national environmental policy or international environmental commitments or relations;
- (b) will take place within an area identified in terms of -
  - section 24(2)(b) of NEMA as a geographical area based on environmental attributes in which specified activities may not commence without environmental authorisation from the competent authority; or
  - 24(2)(c) of NEMA as a geographical area based on environmental attributes in which specified activities may be excluded from authorisation by the competent authority.

Such areas are identified as a result of the obligations resting on the Republic in terms of any international environmental instrument, other than any area falling within the sea-shore, a conservancy, a protected natural environment, a proclaimed private nature reserve, a natural heritage site, or the buffer zone or transition: area of a biosphere reserve or world heritage site;

- (c) will affect more than one province or traverse international boundaries;
- (d) is undertaken, or is to be undertaken, by-
  - (i) a national department;
  - (ii) a provincial department responsible for environmental affairs; or
  - (iii) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government; or
- (e) will take place within a national proclaimed protected area or other conservation area under control of a national authority.

#### 4. DEFINITIONS, TERMS AND CONCEPTS

##### General definitions:

**“associated structures or infrastructure”** according to *the regulations* this term is defined as - *“any building or infrastructure that is necessary for the functioning of the facility or activity or that is used for an ancillary service from the facility”*. It is important to distinguish that the associated infrastructure is not listed *per se* and will not necessarily trigger the listed activity. The associated structures and infrastructure must be considered in terms of the definition of construction and/or expansion.

**“commence”** means the lawful and substantive *“start of any physical activity on the site in furtherance of a listed activity”*.

**“construction”** according to *the regulations* this term is defined as – *“the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure which does not result in a change to the nature of the activity being undertaken or an increase of the production, storage or transportation capacity of that facility, structure or infrastructure”*;

**“expansion”** according to *the regulations* this term is defined as – *“the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the production, treatment, storage or capacity of the facility is increased”*;

**“facility”** for the purpose of this guideline refers to -

- a) “the construction or preparation of a site for the purpose of a listed activity”;
- b) a building, service, or piece of equipment provided for a particular purpose (source Oxford Dictionary), and
- c) an additional feature of a service or machine (source Oxford Dictionary).

**“listed activities”** refer to activities identified by the Minister of Environmental Affairs and Tourism in terms of Section 24 and Section 24D of the NEMA which may have a detrimental effect on the environment and which may not be commenced without prior written authorisation from the competent authority. These activities are listed in the Schedules contained in Government Notice R386 and R387.

**“the regulations”** means the Environmental Impact Assessment Regulations promulgated in terms of the NEMA

**General notes:**

1. If a development involves one or more of the listed activities, the potential impacts of the entire development must be assessed.
2. Associated infrastructure that is linked to the primary activity is regarded to be an integral part of that activity and must therefore be considered at the time when an application for authorisation is submitted. However, the construction or erection of associated structures *per se* does not necessarily trigger the listed activity (i.e. when the primary activity has already been established, the installation/construction of associated infrastructure *per se* does not require authorisation, unless such infrastructure constitutes a listed activity on its own).

Note however, that when the expansion of associated structures of infrastructure will lead to a change in the nature of the main activity being undertaken or an increase of the production, storage or transportation capacity of that facility (the main activity), it will constitute a listed .

3. The potential impacts of the entire activity as well as the associated facilities or infrastructure must form part of the assessment. A reasonable link should however exist between the impacts of the listed activity and those of the associated facilities and/or infrastructure.
4. This guideline should be read in conjunction with NEMA and *the regulations* and is not intended to be a substitute for the provisions of NEMA or *the regulations* in any way.
5. The inclusions and exclusions listed below are not an exhaustive list. The Guideline (including the list of inclusions and exclusions) may be changed and refined.
6. The definitions in this Guideline do not replace the wording of listed activities as contained in the regulations.



<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p style="text-align: center;"><b>1(a)</b></p> <p><b>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</b></p>	<p style="text-align: center;"><b>1(a)</b></p> <p><b>The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where –</b></p> <p><b>(i) the electricity output is 20 megawatt or more; or</b>  <b>(ii) the elements of the facility cover a combined area in excess of 1 hectare;</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>“electricity output of 10 megawatt”</b> refers to the design capacity of the facility.</p> <p><b>“generation of electricity”</b> for the purpose of this guideline means the plant or infrastructure required for converting renewable or non-renewable energy resources into electricity. Electricity generation facilities therefore include:</p> <ul style="list-style-type: none"> <li>• power stations that use coal, oil, nuclear energy, gas, solar energy, wind (e.g. wind farms) or water (e.g. hydroelectric or pump storage schemes) where electricity generation greater than 10 megawatt but less than 20 megawatt.</li> <li>• facilities that involve the conversion of waste products into electricity (e.g. methane gas at a landfill/waste disposal site)</li> </ul> <p>Structure or infrastructure, associated with the facility applied for, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access road to facility</li> <li>• Fencing</li> <li>• Storage facilities</li> <li>• Transmission lines that connect the facility to the grid (e.g. national or regional)</li> <li>• Sub-stations that distribute 10MW or more but less than 20 MW.</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Renewable energy projects with an installed capacity capable of generating electricity with an output of more than 10 MW but less than 20 MW.</p> <p>ii) All electricity generation facilities, commercial and private where the output is more than 10 MW but less than 20 MW.</p>	<p><b>INTERPRETATION:</b></p> <p><b>“electricity output of 20 megawatt”</b> refers to the design capacity of the facility.</p> <p><b>“generation of electricity”</b> for the purpose of this guideline means the plant or infrastructure required for converting renewable or non-renewable energy resources into electricity. Electricity generation facilities therefore include:</p> <ul style="list-style-type: none"> <li>• power stations that use coal, oil, petroleum products, nuclear energy, gas, solar energy, wind (e.g. wind farms) or water (e.g. hydroelectric or pump storage schemes)</li> <li>• facilities that involve the conversion of waste products into electricity (e.g. methane gas at a landfill/waste disposal site)</li> </ul> <p><b>“combined area”</b> includes the whole area designated for the development. This can be interpreted as -</p> <ul style="list-style-type: none"> <li>• the area that will be cleared that is necessary for the undertaking of an activity and for the facility to function as well as the area that has been cleared previously for the activity.</li> <li>• renewable energy generation (i.e. wind and solar energy farms) refers to the total area within the circumference of the outer edge of the development, or</li> <li>• the surface area covered by any servitude.</li> </ul> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access road(s) to the facility</li> <li>• Maintenance roads</li> <li>• Associated buildings</li> <li>• Fences</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) All electricity generation facilities, commercial and private where the electricity output is 20 megawatt or more; or the elements of the facility cover a combined area in excess of 1 hectare.</p> <p>▪</p> <p>ii) Associated structures linked to the generation of electricity at the time of the application include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>▪ Sub-stations</li> <li>▪ Transmission lines leading from the wind or solar energy plant into the national grid.</li> <li>▪ Dams for hydroelectric or pump storage schemes.</li> <li>▪ Cooling towers</li> </ul> <p>iii) Offshore electricity generation facilities (e.g. wave</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p><b>NOT INCLUDED:</b>            Infrastructure required to transfer electricity from the power station to the consumer and therefore includes:</p> <ul style="list-style-type: none"> <li>i) Associated infrastructure such as roads along transmission lines.</li> <li>ii) Substations where equipment for transforming, switching or linking power is located.</li> <li>iii) Telecommunication towers used for the protection and control of the electricity grid.</li> <li>iv) Transmission and supply lines</li> <li>v) Routine maintenance activities or replacement of defunct equipment with new equipment provided that this is not related to increasing the output capacity of the plant.</li> <li>vi) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of the facility for the generation.</li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Consider the requirements of the Mineral &amp; Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) for renewable energy projects.</li> <li>▪ ESKOM / local electricity supplier to be contacted regarding connection to the national grid and grid capacity.</li> <li>▪ In terms of Section 24C(2) of the NEMA, if ESKOM (a statutory body) is the proponent; DEAT is regarded to be the competent authority.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more for construction of roads and erection of powerlines.</li> <li>▪ 1(o) - re-use of waste</li> <li>▪ 1(f) for renewable energy projects</li> <li>▪ 1(v) – Advertising signs</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R.387 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1(i) - re-use of waste</li> </ul>	<p>energy)</p> <ul style="list-style-type: none"> <li>iv) Electricity generation facilities on individual properties where this electricity will not be sold to other parties (e.g. diesel generator that supplies electricity to a factory, solar generation for a building) that falls within the threshold.</li> </ul> <p><b>NOT INCLUDED:</b></p> <ul style="list-style-type: none"> <li>i) GN no. R.386 of 2006, item 1(a) 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</li> <li>ii) Infrastructure required to distribute / transfer electricity from the power station to the consumer and therefore includes:           <ul style="list-style-type: none"> <li>▪ Facilities for electricity supply and transmission lines (e.g. ≥66kV) such as servitudes and roads along transmission lines.</li> <li>▪ Substations where equipment for transforming, switching or linking power is located.</li> <li>▪ Telecommunication towers used for the protection and control of the electricity grid</li> </ul> </li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ This activity refers only to the generation of electricity and not the transmission of electricity and transmission lines.</li> <li>▪ Should the area already exceed 1 hectare prior to the proposed activity taking place, this will require an application</li> <li>▪ In terms of Section 24C(2) of the NEMA, if ESKOM (a statutory body) is the proponent; DEAT is regarded to be the competent authority.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, item –</p> <ul style="list-style-type: none"> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more for construction of roads and erection of powerlines.</li> <li>▪ 1(n) &amp; (p)- construction of dams</li> <li>1(o) - re-use of waste</li> </ul> <p>GN no. R.387 of 2006, item –</p> <ul style="list-style-type: none"> <li>▪ 1(l) regarding the construction of transmission and distribution lines.</li> </ul>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p style="text-align: center;"><b>1(e)</b></p> <p><b>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 ten hectares, will be established</b></p>	<p style="text-align: center;"><b>1(t)</b></p> <p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p>“<b>lawn</b>” for the purpose of these guidelines is understood to refer to an area(s) of ground covered with cut grass</p> <p>“<b>playing field</b>” refers to, <i>inter alia</i>, golf courses, golf driving ranges, polo fields, cricket, soccer, rugby fields, etc.</p> <p>“<b>sport tracks</b>” include <i>inter alia</i>- athletic sport fields and associated tracks, etc.</p> <p>“<b>covering an area of ...</b>” to calculate the area covered by lawns, playing fields and/or sport tracks the following be considered include <i>inter alia</i>:</p> <ol style="list-style-type: none"> <li>a) the actual area required for the playing surface or sport,</li> <li>b) the ancillary area or buffer area that is necessary for the undertaking of an activity (e.g. semi rough on golf courses, any landscaping, lawns etc.) adjoining or between playing fields and sport tracks)</li> </ol> <p>In the case of any purpose that may have lawns, playing fields and sport tracks (or any combination thereof) the combined area covered will form part of such a calculation</p> <p>Structures or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, helipads, parking areas etc.)</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; club houses storage facilities and maintenance buildings)</li> <li>• Services (water, electricity supply, sewerage etc.)</li> <li>• Fences e.g. perimeter fences</li> </ul> <p><b>INCLUSIONS:</b></p> <ol style="list-style-type: none"> <li>i) All facilities or infrastructure to be constructed that are associated with the lawn area(s), playing fields and sports tracks.</li> <li>ii) Where scattered lawns, playing fields or sports tracks occur, the combined area thereof will be used in determining the applicability of this listed activity.</li> </ol> <p><b>NOT INCLUDED:</b></p> <ol style="list-style-type: none"> <li>i) Associated infrastructure which does not result in a change to the nature of the activity being undertaken or an increase of the production, storage or capacity of that facility.</li> </ol> <p><b>GENERAL NOTES:</b> The applicability of the following Activities that should be</p>	<p><b>INTERPRETATION:</b></p> <p>“<b>lawn</b>” for the purpose of these guidelines is understood to refer to an area(s) of ground covered with cut grass</p> <p>“<b>playing field</b>” refers to, <i>inter alia</i>, golf courses, golf driving ranges, polo fields, cricket, soccer, rugby fields, etc.</p> <p>“<b>sport tracks</b>” include <i>inter alia</i>- athletic sport fields and associated tracks, etc.</p> <p>“<b>covering an area of ...</b>” to calculate the area covered by lawns, playing fields and/or sport tracks the following be considered include <i>inter alia</i>:</p> <ol style="list-style-type: none"> <li>a) the actual area required for the playing surface or sport,</li> <li>b) the ancillary area or buffer area that is necessary for the undertaking of an activity (e.g. semi rough on golf courses, any landscaping, lawns etc.) adjoining or between playing fields and sport tracks)</li> </ol> <p>In the case of any purpose that may have lawns, playing fields and sport tracks (or any combination thereof) the combined area covered will form part of such a calculation</p> <p>Structures or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, helipads, parking areas etc.)</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; club houses storage facilities and maintenance buildings)</li> <li>• Services (water, electricity supply, sewerage etc.)</li> <li>• Fences e.g. perimeter fences</li> </ul> <p><b>INCLUSIONS:</b></p> <ol style="list-style-type: none"> <li>i) All facilities or infrastructure to be constructed that are associated with the lawn area(s), playing fields and sports tracks.</li> <li>ii) Where scattered lawns, playing fields or sports tracks occur, the combined area thereof will be used in determining the applicability of this listed activity.</li> </ol> <p><b>NOT INCLUDED:</b></p> <ol style="list-style-type: none"> <li>i) Associated infrastructure which does not result in a change to the nature of the activity being undertaken or an increase of the production, storage or capacity of that facility.</li> </ol> <p><b>GENERAL NOTES:</b> The applicability of the following Activities that should be</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>considered include <i>inter alia</i>:            GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(f) – sport spectator facilities with a capacity to hold 8000 spectators or more.</li> <li>▪ 1(k) – pipelines for water and sewerage</li> <li>▪ 1(v) – advertising signs</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 16 – transformation of vacant undeveloped land</li> <li>▪ 17 - phased development.</li> <li>▪ 18 – subdivision of land</li> </ul> <p>GN no. R. 387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(t) – lawned areas, tracks etc of more than 10ha</li> </ul>	<p>considered include <i>inter alia</i>:            GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(f) – sport spectator facilities with a capacity to hold 8000 spectators or more.</li> <li>▪ 1(k) – pipelines for water and sewerage</li> <li>▪ 1(v) – advertising signs</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 16 – transformation of vacant undeveloped land</li> <li>▪ 17 - phased development.</li> <li>▪ 18 – subdivision of land</li> </ul> <p>GN no. R. 387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(t) – lawned areas, tracks etc of more than 10ha.</li> </ul>
<p style="text-align: center;"><b>1 (l)</b></p> <p><b>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</b></p>	<p style="text-align: center;"><b>1 (l)</b></p> <p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p>Structures or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences;</li> </ul> <p><b>INCLUSIONS:</b></p> <p><b>NOT INCLUDED:</b></p> <p>i) Underground electricity transmission lines.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ In terms of Section 24C(2) of the NEMA, if ESKOM (statutory body ) is the proponent, DEAT is regarded to be the competent authority.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:            GN no. R.386 of 2006, item –</p> <ul style="list-style-type: none"> <li>▪ 1(m) – development in the 1:10 year floodline of a river.</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> </ul>	<p><b>INTERPRETATION:</b></p> <p>Structures or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences;</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Above ground electricity transmission lines with a capacity of 120 kilovolt or more (e.g. 132kV, 400kV) and servitudes.</p> <p>ii) Substations where equipment for transforming, switching or linking power is located.</p> <p><b>NOT INCLUDED:</b></p> <p>i) Underground electricity transmission lines.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ In terms of Section 24C(2) of the NEMA, if ESKOM (statutory body ) is the proponent, DEAT is regarded to be the competent authority.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:            GN no. R.386 of 2006, item –</p> <ul style="list-style-type: none"> <li>▪ 1(m) – development in the 1:10 year floodline of a river.</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> </ul>
<p style="text-align: center;"><b>1(n)</b></p> <p><b>The construction of facilities or infrastructure, including associated structures or infrastructure for</b></p>	<p style="text-align: center;"><b>6</b></p> <p><b>The construction of a dam where the highest part of the dam wall, as measured from the outside toe of</b></p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p><b>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 GN no. R. 387 of 2006</b></p>	<p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p>The facilities or infrastructure referred to in this activity means any structure (including dams and reservoirs) which is capable of containing, storing or impounding water (including temporary impoundment or storage).</p> <p>This activity will be considered applicable in instances where the combined storage capacity of water of 50 000 cubic metres or more per cadastral unit</p> <p>The activity refers to the design capacity of the facility.</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Pump stations to pump water from the stream to the dam;</li> <li>• Electricity supply to power the pump station unless an existing line is used;</li> <li>• Infrastructure that is necessary for the undertaking of an activity (e.g. roads, ancillary structures and buildings).</li> <li>• Pipelines and channels</li> </ul> <p><b>INCLUSIONS:</b></p> <p><b>NOT INCLUDED:</b></p> <p>i) Replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ The emphasis is placed on the off-stream storage of water in any type of facility or infrastructure. Therefore, the water does not necessarily need to be abstracted from surface or groundwater on the property.</li> <li>▪ The construction of a dam is normally linked to new agricultural or other large scale developments that could involve other listed activities.</li> <li>▪ Consider the implications of the National Water Act, 1998 (Act no. 36 of 1998), specifically the implications of the General Authorisations (Government Notice 26187 dated 26 March 2004 - Revision of General Authorisations in terms of Section 39 of the National Water Act, 1998 (Act no. 36 of 1998))</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1 (k) – pipelines for water</li> <li>▪ 4 – dredging ...moving soil, rock of more than 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland</li> </ul>	<p><b>INTERPRETATION:</b></p> <p>The facilities or infrastructure referred to in this activity means any structure (including dams and reservoirs) which is capable of containing, storing or impounding water (including temporary impoundment or storage).</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Pump stations to pump water from the stream to the dam;</li> <li>• Electricity supply to power the pump station unless an existing line is used;</li> <li>• Infrastructure that is necessary for the undertaking of an activity (e.g. ancillary structures and buildings).</li> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) The construction of dams (instream or off-stream) which falls within this category.</p> <p><b>NOT INCLUDED:</b></p> <p>i) Replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ New dams of this size require a licence to impound such a volume of water and must be registered as a dam with a safety risk (thus requiring a permit) in terms of the National Water Act (Act no 36 of 1998). It is strongly recommended that the respective evaluation processes be run together.</li> <li>▪ For any dams that by means of <i>expansion</i> will have to be considered under this Activity, it is important to determine that the information of the relevant licence and/or permit for the existing facility is valid and has been made available for consideration in the Scoping/EIA process.</li> <li>▪ A safety risk assessment must form part of the Scoping/EIA process.</li> <li>▪ A detailed design of the dam must form part of the information that is submitted.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(n) – off-stream storage of water</li> </ul> <p>GN no. R.387 of 2006, item –</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> <small>(Activities listed in Government Notice 386 of 21 April 2006)</small>	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> <small>(Activities listed in Government Notice 387 of 21 April 2006)</small>
<ul style="list-style-type: none"> <li>▪ 12 -regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R.387 of 2006, item –</p> <ul style="list-style-type: none"> <li>▪ 1(n) with respect to the transfer of water between water catchments or impoundments.</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1(a) with respect to dams for hydroelectric or pump storage schemes</li> <li>▪ 1(n) with respect to the transfer of water between water catchments or impoundments.</li> </ul>
<p style="text-align: center;"><b>1(o)</b></p> <p><b>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.</b></p>	<p style="text-align: center;"><b>1 (f)</b></p> <p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>“general waste”</b>, means, “waste that does not pose an immediate threat to man or to the environment, i.e. household waste, builders rubble, garden waste, dry industrial and commercial waste. It may, however, with decomposition, infiltration and percolation produce leachate with an unacceptable pollution potential”. (after definition from the National Water Act, 1998 (Act no. 36 of 1998) )</p> <p><b>“temporary storage of general waste”</b> for the purpose of this guideline means the storage of general waste for recycling, re-use, handling or treatment for a period of 90 days or less.</p> <p><b>“Waste”</b> is defined as “...an undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing (recycling, re-using or extracting usable elements). It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area” This definition excludes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste. (After definition in Government Gazette No. 12703, August 1990 in terms of the National Water Act.)</p> <p>Structures or infrastructure, associated with the facility applied for, include inter alia:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; storage and maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences;</li> <li>• All loading and offloading facilities.</li> </ul>	<p><b>INTERPRETATION:</b></p> <p><b>“general waste”</b> means, “waste that does not pose an immediate threat to man or to the environment, i.e. household waste, builders rubble, garden waste, dry industrial and commercial waste. It may, however, with decomposition, infiltration and percolation produce leachate with an unacceptable pollution potential”. (after definition from the National Water Act, 1998 (Act no. 36 of 1998) )</p> <p><b>“temporary storage of general waste”</b> for the purpose of this guideline means the storage of general waste for recycling, re-use, handling or treatment for a period of 90 days or less.</p> <p><b>“Waste”</b> is defined as “...an undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing (recycling, re-using or extracting usable elements). It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area” This definition excludes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste. (After definition in Government Gazette No. 12703, August 1990 in terms of the National Water Act.)</p> <p>Structures or infrastructure, associated with the facility applied for, include inter alia:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; storage and maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences;</li> <li>• All loading and offloading facilities.</li> </ul>



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<p><b>INCLUSIONS:</b></p> <ul style="list-style-type: none"> <li>i) Facilities associated with the handling, re-use and/or recycling of general waste including <i>inter alia</i> plastic, glass, metals (scrap metal), paper;</li> <li>ii) Waste transfer stations and storage facilities;</li> <li>iii) Any composting facility and associated infrastructure;</li> <li>iv) All infrastructure (including transport infrastructure, pipelines and any container) and including temporary storage infrastructure;</li> <li>v) Any facilities associated with the utilisation of general waste as a source of energy;</li> <li>vi) Drainage channels or any infrastructure associated with water management of the facility.</li> </ul> <p><b>NOT INCLUDED:</b></p> <ul style="list-style-type: none"> <li>i) Minerals, tailings, waste rock dumps or slimes produced from mining activities.</li> <li>ii) Replacement of defunct equipment with new equipment provided that this is not related to the expansion of the facility.</li> <li>iii) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of the facility</li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ It is important to understand the definition of waste and distinguish between the various waste streams e.g. general waste, hazardous waste etc.</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998), with regards to the minimum requirements waste disposal by landfill (Department of Water Affairs &amp; Forestry, Third Edition, 2005. Waste Management Series. Minimum Requirements for Waste Disposal by Landfill).</li> <li>▪ One of the potential impacts related to such facilities is the generation of “leachate”. This is understood to mean an aqueous solution with a high pollution potential, arising when water is permitted to percolate through decomposing waste. It contains final and intermediate products of decomposition, various solutes and waste residues. It may also contain carcinogens and/or pathogens.</li> <li>▪ Composting facilities are regarded as recycling/ re-use facilities.</li> <li>▪ Information of the daily throughput capacity must be produced by the applicant.</li> <li>▪ It is important to differentiate between temporary storage and a “disposal site”. For the purpose of this guideline the context of the term <i>disposal site</i> includes landfills but <u>excludes</u> temporary waste storage areas, transfer stations, materials recovery plants, waste treatment facilities and storage areas at incinerators.</li> <li>▪ Facilities associated with the recovering of substances such as methane gas from waste</li> </ul>	<p><b>INCLUSIONS:</b></p> <ul style="list-style-type: none"> <li>i) Facilities associated with the handling, re-use and/or recycling of general waste including <i>inter alia</i> plastic, glass, metals (scrap metal), paper;</li> <li>ii) Waste transfer stations and storage facilities;</li> <li>iii) Any composting facility, and associated infrastructure, storing producing 50 tons or more daily average measured over a period of 30 days.</li> <li>iv) Any facilities associated with the utilisation of general waste as a source of energy;</li> <li>v) Any composting facility, plant or structure and associated infrastructure;</li> <li>vi) Drainage channels or any infrastructure associated with water management.</li> </ul> <p><b>NOT INCLUDED:</b></p> <ul style="list-style-type: none"> <li>i) Facilities for the final disposal of general waste, see GN no. R.387 of 2006, item 1(o) for more detail.</li> <li>ii) Minerals, tailings, waste rock dumps or slimes produced from mining activities.</li> <li>iii) Replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.</li> <li>iv) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of the facility</li> <li>v) Facilities associated with the recovering of substances such as methane gas from waste disposal sites are captured under GN no. R. 387 of 2006, item 1(i).</li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ It is important to understand the definition of waste and distinguish between the various waste streams e.g. general waste, hazardous waste etc.</li> <li>▪ With reference to the definition of a facility, this may merely entail the clearing of land, although this may not necessarily fulfil the pre-requisites for a disposal site design such as site classification, airspace and site life.</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998), with regards to the minimum requirements waste disposal by landfill (Department of Water Affairs &amp; Forestry, Third Edition, 2005. Waste Management Series. Minimum Requirements for Waste Disposal by Landfill).</li> <li>▪ One of the potential impacts related to such facilities is the generation of “leachate”. This is understood to mean an aqueous solution with a high pollution potential, arising when water is permitted to percolate through decomposing waste. It contains final and intermediate products of decomposition, various solutes and waste residues. It may also contain carcinogens and/or pathogens.</li> <li>▪ Composting facilities are regarded as recycling/ re-use facilities.</li> <li>▪ Information of the daily throughput capacity must be produced by the applicant.</li> <li>▪ It is important to differentiate between temporary storage and a “disposal site”. For the purpose of this guideline the context of the term <i>disposal site</i> includes landfills but <u>excludes</u> temporary waste</li> </ul>

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<p>disposal sites are captured under GN no. R. 387 of 2006, item 1(i).</p> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>: GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(k) – pipelines for water</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R. 387 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1(f) – facilities with a throughput capacity of more than 50 tons.</li> <li>▪ 1(o) – final disposal of general waste covering an area of 100 square metres</li> <li>▪ 1(i) – extraction of natural gas</li> </ul>	<p>storage areas, transfer stations, materials recovery plants, waste treatment facilities and storage areas at incinerators.</p> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>: GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(k) – pipelines for water</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> </ul> <p>GN no. R. 387 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1(f) – facilities with a throughput capacity of more than 50 tons.</li> <li>▪ 1(o) – final disposal of general waste covering an area of 100 square metres</li> <li>▪ 1(i) – extraction of natural gas.</li> </ul>
<p style="text-align: center;"><b>1(p)</b></p> <p><b>The construction of facilities or infrastructure, including associated structures or infrastructure, for the temporary storage of hazardous waste</b></p>	<p style="text-align: center;"><b>1 (g)</b></p> <p><b>The construction of facilities or infrastructure, including associated structures or infrastructure, for the use, recycling, handling, treatment, storage or final disposal of hazardous waste</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>“hazardous waste”</b> waste other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on the chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether alone or when in contact with other waste. (After the definition in the Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i>).</p> <p><b>“Temporary storage”</b> for the purpose of this guideline only refers to instances where hazardous substances will be stored at a site for periods less than 90 days, at quantities exceeding the hazardous rating and mass categories in SANS 10228: 2003 and Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i> (see General Notes)</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, transport routes required to transport hazardous waste, maintenance roads, parking areas etc.);</li> <li>• Bunding facilities;</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; storage and maintenance buildings, loading and off-loading facilities);</li> </ul>	<p><b>INTERPRETATION:</b></p> <p><b>“hazardous waste”</b> waste other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on the chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether alone or when in contact with other waste. (After the definition in the Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i>).</p> <p><b>“Storage and final disposal of waste”</b> refer to instances where hazardous waste is stored for periods exceeding periods of 90 days, at quantities exceeding the hazardous rating and mass categories in SANS 10228: 2003 and Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i> (see General Notes)</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access infrastructure (roads, transport routes required to transport hazardous waste, maintenance roads, parking areas etc.);</li> <li>• Bunding facilities;</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; storage and maintenance buildings, loading and off-loading facilities);</li> </ul>



<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<ul style="list-style-type: none"> <li>• Services (pipelines, water, electricity supply, sewerage etc.);</li> <li>• Perimeter/ boundary walls or fences; All loading and offloading facilities;</li> </ul> <p><b>INCLUSIONS:</b></p> <ul style="list-style-type: none"> <li>i) Containers and any storage structures or equipment for the temporary storage of hazardous waste;</li> <li>ii) New facilities for the temporary storage of medical waste at surgeries and hospitals</li> </ul> <p><b>NOT INCLUDED:</b></p> <ul style="list-style-type: none"> <li>i) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility (e.g. replacement of tanks).</li> <li>ii) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of existing facilities</li> <li>iii) Any upgrade of equipment, existing facilities or associated infrastructure that does not result in an increase beyond the permitted capacity</li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ <u>SANS 10228:2003</u> - A standard in which over 4 000 hazardous substances are listed and assigned a danger group for transport purposes. The Standard forms the basis of the present system for classifying Hazardous Waste and is being upgraded for waste disposal purposes. In future hazardous substances will be assigned a hazard rating for waste disposal in the SANS 10228.</li> <li>▪ According to the Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i> - hazardous waste may be accumulated at a facility in the following quantities on site for 90 days or less without a permit for a waste disposal site: e.g.           <ul style="list-style-type: none"> <li>- Hazard Rating 1 = 10 kg</li> <li>- Hazard Rating 2 = 100 kg</li> <li>- Hazard Rating 3 = 1 000 kg</li> <li>- Hazard Rating 4 = 10 000 kg</li> </ul>           provided that:           <ul style="list-style-type: none"> <li>○ the waste is stored in such a manner that no pollution of the environment occurs at any time;</li> <li>○ the date upon which accumulation begins is clearly marked and visible for inspection on each container;</li> <li>○ while being stored on site, each container and tank is labelled or marked clearly with the words "Hazardous Waste";</li> <li>○ the Generator fences off the storage area to prevent unauthorised access and erects a weatherproof, durable and clearly legible notice-board in official languages at every entrance of the storage area with the words "Hazardous Waste: unauthorised entry prohibited".</li> </ul> </li> <li>▪ Hazardous waste is regard to include Polychlorinated biphenyls (PCB's), Dioxins, Heavy metals, and Medical Waste.</li> <li>▪ If a risk assessment is required it must be submitted</li> </ul>	<ul style="list-style-type: none"> <li>• Services (pipelines, water, electricity supply, sewerage etc.);</li> <li>• Perimeter/ boundary walls or fences;</li> <li>• All loading and offloading facilities;</li> </ul> <p><b>INCLUSIONS:</b></p> <p><b>NOT INCLUDED:</b></p> <ul style="list-style-type: none"> <li>i) Temporary storage facilities.</li> <li>ii) Any upgrade of equipment, existing facilities, additional buildings or associated infrastructure that do not result in an expansion of the facility.</li> </ul> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ <u>SANS 10228:2003</u> - A standard in which over 4 000 hazardous substances are listed and assigned a danger group for transport purposes. The Standard forms the basis of the present system for classifying Hazardous Waste and is being upgraded for waste disposal purposes. In future hazardous substances will be assigned a hazard rating for waste disposal in the SANS 10228.</li> <li>▪ According to the Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i> - hazardous waste may be accumulated at a facility in the following quantities on site for 90 days or less without a permit for a waste disposal site: e.g.           <ul style="list-style-type: none"> <li>- Hazard Rating 1 = 10 kg</li> <li>- Hazard Rating 2 = 100 kg</li> <li>- Hazard Rating 3 = 1 000 kg</li> <li>- Hazard Rating 4 = 10 000 kg</li> </ul>           provided that:           <ul style="list-style-type: none"> <li>○ the waste is stored in such a manner that no pollution of the environment occurs at any time;</li> <li>○ the date upon which accumulation begins is clearly marked and visible for inspection on each container;</li> <li>○ while being stored on site, each container and tank is labelled or marked clearly with the words "Hazardous Waste";</li> <li>○ the Generator fences off the storage area to prevent unauthorised access and erects a weatherproof, durable and clearly legible notice-</li> </ul> </li> </ul>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>as a specialist study with the Environmental Impact Report.</p> <ul style="list-style-type: none"> <li>▪ Transportation routes are not subject to authorisation unless a route is specifically being constructed. The risk associated with the transportation along a given route should be considered.</li> <li>▪ There must be adherence to the relevant design standards (e.g. SANS standards).</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998)</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(k) – pipelines for water</li> <li>▪ 1(v) – advertising signs</li> <li>▪ 15 – construction of roads</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R.387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(c) – construction of facilities for above ground storage of dangerous goods &lt; 1000 cubic metres</li> <li>▪ 1(g) – construction of facilities for disposal of hazardous waste</li> <li>▪ 3 - filling stations</li> </ul>	<p>board in official languages at every entrance of the storage area with the words "Hazardous Waste: unauthorised entry prohibited".</p> <ul style="list-style-type: none"> <li>▪ The Department of Water Affairs &amp; Forestry, 2005 (Third Edition). Waste Management Series. <i>Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste</i> should serve as reference for the classification and disposal of hazardous waste.</li> <li>▪ Hazardous waste is regard to include - Polychlorinated biphenyls (PCB's), Dioxins, Heavy metals, and Medical Waste.</li> <li>▪ If a risk assessment is required it must be submitted as a specialist study with the Environmental Impact Report.</li> <li>▪ Transportation routes are not subject to authorisation unless a route is specifically being constructed for the purpose of transporting such hazardous substances. The risk associated with the transportation along a given route should be considered.</li> <li>▪ There must be adherence to the relevant design standards (e.g. SANS standards).</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998)</li> <li>▪ DWAF should be consulted regarding the classification of specific waste as hazardous waste.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(k) – pipelines for water</li> <li>▪ 1(v) – Advertising signs</li> <li>▪ 15 – construction of roads</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R.387 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1(c) – construction of facilities for above ground storage of dangerous goods &lt; 1000 cubic metres</li> <li>▪ 1(g) – construction of facilities for disposal of hazardous waste</li> <li>▪ 3 - filling stations</li> </ul>
<p style="text-align: center;"><b>1(q)</b></p> <p><b>The construction of facilities or infrastructure, including associated structures or infrastructure, for the landing, parking or maintenance of aircraft including –</b></p> <ul style="list-style-type: none"> <li><b>(i) helicopter landing pads, excluding helicopter landing facilities and stops used exclusively by emergency services;</b></li> <li><b>(ii) unpaved aircraft landing strips shorter than 1,4km;</b></li> <li><b>(iii) structures for equipment and aircraft storage;</b></li> <li><b>(iv) structures for maintenance and repair;</b></li> <li><b>(v) structures for fuelling and fuel storage; or</b></li> <li><b>(vi) structures for air cargo handling;</b></li> </ul>	<p style="text-align: center;"><b>1(k)</b></p> <p><b>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 –</b></p> <ul style="list-style-type: none"> <li><b>(vii) airports;</b></li> <li><b>(viii) runways;</b></li> <li><b>(ix) waterways; or</b></li> <li><b>(x) structures for engine testing</b></li> </ul>
<p><b>INTERPRETATION:</b></p> <p>Structure or infrastructure, associated with the facility</p>	<p><b>INTERPRETATION:</b></p> <p>Structure or infrastructure, associated with the facility</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Any transport infrastructure including roads and railways;</li> <li>• Any towers or masts associated with the landing of aircraft;</li> <li>• Any electrical infrastructure (like landing-strip lighting) directly associated with the landing of aircraft;</li> <li>• Any facilities or structures required for housing, repairing or re-fuelling of emergency and maintenance vehicles and equipment;</li> <li>• Any perimeter walls, fences or bunds;</li> <li>• Access roads and parking facilities;</li> <li>• Departure and arrival facilities e.g. halls; and</li> <li>• Radio and telecommunication infrastructure.</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Any facilities and associated infrastructure (including packaging, conveyance and storage facilities) related to the handling of air cargo;</p> <p><b>NOT INCLUDED:</b></p> <p>i) Helicopter landing facilities and helicopter stops used exclusively by emergency services;</p> <p>ii) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility (e.g. replacement of tanks or repairing the runway).</p> <p>iii) Provision of additional buildings (e.g. offices) provided that this is not defined as an expansion of the existing facilities.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Applications of this nature must be referred to the Civil Aviation authority for comment.</li> <li>▪ Major air traffic flight paths must be considered and the relevant impacts and risks identified and assessed.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 1(k) – construction of pipelines for water</li> <li>▪ 1(v) – advertising signs</li> <li>▪ 7 – storage of dangerous goods</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R. 387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(k) – airports</li> </ul>	<p>applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Any transport infrastructure including roads and railways;</li> <li>• Any towers or masts associated with the landing of aircraft;</li> <li>• Any structures, facilities or infrastructure for the storage or transference of fuel and the fuelling of aircraft including above- and below-ground pipelines and tanks;</li> <li>• Any electrical infrastructure (like landing-strip lighting) directly associated with the landing of aircraft;</li> <li>• Any structures for equipment and aircraft storage e.g. hangars</li> <li>• Packaging, conveyance and storage facilities associated with the handling of air cargo;</li> <li>• Any perimeter walls, fences or bunds;</li> <li>• Radio and telecommunication infrastructure</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Airports including ancillary facilities (e.g. associated buildings, arrival and departure halls, parking areas, and vehicle rental facilities);</p> <p>ii) Any structures or facilities for maintenance and repair of aircraft;</p> <p>iii) Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <p><b>NOT INCLUDED:</b></p> <p>i) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility (e.g. replacement of tanks or repairing the runway).</p> <p>ii) Provision of additional buildings (e.g. offices) provided that this is not defined as an expansion of the existing facilities.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Applications of this nature must be referred to the Civil Aviation authority for comment.</li> <li>▪ Major air traffic flight paths must be considered and the relevant impacts and risks identified and assessed.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>:</p> <p>GN no. R.386 of 2006, items</p> <ul style="list-style-type: none"> <li>▪ 1 (k) – construction of pipelines for water</li> <li>▪ 1(r) - regarding helipads</li> <li>▪ 1(v) – advertising signs</li> <li>▪ 7 – storage of dangerous goods</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> </ul>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p style="text-align: center;"><b>1(s)</b></p> <p><b>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 <u>less</u> than 15 000 cubic metres.</b></p>	<p style="text-align: center;"><b>1(p)</b></p> <p><b>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 <u>more</u>.</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>“annual throughput capacity”</b> for the purpose of these guidelines is understood to refer to the total volume of effluent that could be treated by the facility in a calendar year (design capacity).</p> <p><b>“effluent”</b> for the purpose of these guidelines is understood to refer to “human excreta, domestic sludge, domestic wastewater, grey water or waste water resulting from the commercial or industrial use of water”.(defined in NWA). For the purpose of this guideline agri-industry effluent is included under this description.</p> <p><b>“wastewater”</b> for the purpose of these guidelines is understood to refer to water containing waste, or water that has been in contact with waste material.</p> <p><b>“sewage”</b> for the purpose of these guidelines is understood to refer to the liquid or waste matter containing human excreta carried through sewers.</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Pipelines; bulk sewer lines</li> <li>• Pump station(s)</li> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences.</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Any expansion of the Waste Water Treatment Works/ Sewage Treatment Works infrastructure (i.e. oxidation, evaporation or maturation ponds and anaerobic digesters);</p> <p><b>NOT INCLUDED:</b></p> <p>i) Only the construction of the treatment facility is listed and not the disposal of effluent, wastewater or sewage into an existing approved facility.</p> <p>ii) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility;</p>	<p><b>INTERPRETATION:</b></p> <p><b>“annual throughput capacity”</b> for the purpose of these guidelines is understood to refer to the total volume of effluent that could be treated by the facility in a calendar year (design capacity).</p> <p><b>“effluent”</b> for the purpose of these guidelines is understood to refer to “human excreta, domestic sludge, domestic wastewater, grey water or waste water resulting from the commercial or industrial use of water”.(defined in NWA). For the purpose of this guideline agri-industry effluent is included under this description.</p> <p><b>“wastewater”</b> for the purpose of these guidelines is understood to refer to “<i>water containing waste, or water that has been in contact with waste material</i>”.</p> <p><b>“sewage”</b> for the purpose of these guidelines is understood to refer to the liquid or waste matter containing human excreta carried through sewers.</p> <p>Structure or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Pipelines; bulk sewer lines</li> <li>• Pump station(s)</li> <li>• Access infrastructure (roads, maintenance roads, parking areas etc.);</li> <li>• Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);</li> <li>• Services (water, electricity supply, sewerage etc.);</li> <li>• Fences e.g. perimeter fences;</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Any expansion of the Waste Water Treatment Works/ Sewage Treatment Works infrastructure (i.e. oxidation, evaporation or maturation ponds and anaerobic digesters);</p> <p><b>NOT INCLUDED:</b></p> <p>i) Only the construction of the treatment facility is listed and not the disposal of effluent, wastewater or sewage into an existing approved facility.</p> <p>ii) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility;</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>iii) Replacement of defunct equipment with new equipment provided that this is not related to increasing the annual throughput capacity of the plant;</p> <p>iv) Implementation of equipment that will result in an improvement in the quality of effluent and solid waste generated by the plant, without increasing the annual throughput capacity of the plant.</p> <p>v) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of existing facilities.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ The design and installed capacity of the waste water treatment plant and associated infrastructure, must be considered in the evaluation of the application.</li> <li>▪ Adherence to the relevant design standards (e.g. SANS standards) must be central to the design and the evaluation of the activity.</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998)</li> <li>▪ Grey water is understood to refer to “wastewater generated through domestic activities and premises, including washing, bathing and food preparation, but does not include human excreta”.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>: GN no. R.386 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1 (k) – pipelines for water; an internal diameter of 0,36 metres, or more, or a peak throughput capacity of 120 litres per second or more</li> <li>▪ 1(v) – Advertising signs;</li> <li>▪ 15 – construction of roads; and</li> <li>▪ 17 - phased development.</li> </ul> <p>GN no. R.387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(c) – construction of facilities for above ground storage of dangerous goods &lt; 1000 cubic metres</li> <li>▪ 1 (g) – construction of facilities for disposal of hazardous waste;</li> </ul>	<p>iii) Replacement of defunct equipment with new equipment provided that this is not related to increasing the annual throughput capacity of the plant;</p> <p>iv) Implementation of equipment that will result in an improvement in the quality of effluent and solid waste generated by the plant, without increasing the annual throughput capacity of the plant. Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of existing facilities.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ The design or installed capacity of the waste water treatment plant and associated infrastructure, must be considered in the evaluation of the application.</li> <li>▪ Transportation routes are not subject to authorisation unless a route is specifically being constructed as infrastructure required for the treatment of effluent, wastewater or sewage e.g. conservancy tanks and “honey sucker” system.</li> <li>▪ Adherence to the relevant design standards (e.g. SANS standards) should be central to the design and the evaluation of the activity.</li> <li>▪ Consider the requirements of the National Water Act, 1998 (Act no. 36 of 1998)</li> <li>▪ Grey water is understood to refer to “wastewater generated through domestic activities and premises, including washing, bathing and food preparation, but does not include human excreta”.</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>: GN no. R.386 of 2006, item -</p> <ul style="list-style-type: none"> <li>▪ 1 (k) – pipelines for water; an internal diameter of 0,36 metres, or more, or a peak throughput capacity of 120 litres per second or more</li> <li>▪ 1(v) – Advertising signs;</li> <li>▪ 15 – construction of roads; and</li> </ul>
<p style="text-align: center;"><b>2</b></p> <p><b>Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –</b></p> <p>(a) facilities for the storage of material and the maintenance of vessels;</p> <p>(b) fixed or floating jetties and slipways;</p> <p>(c) tidal pools;</p> <p>(d) embankments;</p> <p>(e) stabilising walls;</p> <p>(f) buildings; or</p> <p>(g) infrastructure.</p>	<p style="text-align: center;"><b>9</b></p> <p><b>Construction or earth moving activities <u>below the sea</u> 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 –</b></p> <p>(a) facilities associated with the arrival and departure of vessels and the handling of cargo;</p> <p>(b) piers;</p> <p>(c) inter- and sub-tidal structures for entrapment of sand;</p> <p>(d) breakwater structures.</p> <p>(e) rock revetments and other stabilising structures;</p> <p>(f) coastal marinas;</p> <p>(g) coastal harbours;</p> <p>(h) structures for draining parts of the sea;</p> <p>(i) tunnels; or</p> <p>(j) underwater channels</p>
<p><b>INTERPRETATION:</b></p>	<p><b>INTERPRETATION:</b></p>



**ACTIVITIES THAT REQUIRE BASIC ASSESSMENT**

(Activities listed in Government Notice 386 of 21 April 2006)

“**buildings**” for the purpose of this guideline refer to any structure that requires building plan approval from the relevant authority.

“**embankments**” for the purpose of this guideline means any constructed wall (natural or imported material), including the reshaping of natural embankment in the sea and tidal rivers up to 100m inland of the high-water mark. An embankment can be for the purpose of flood retention or road construction and includes sub-surface walls constructed for erosion purposes.

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

“**sea**” according to *the regulations* means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon.

**INCLUSIONS:**

- i) Reshaping of the natural topography;
- ii) Dredging;
- iii) Infrastructure includes *inter alia*:
  - wells,
  - pump stations,
  - pipelines
  - hardened surfaces
  - boardwalks

**NOT INCLUDED:****GENERAL NOTES:**

- The high water mark includes tidal lagoons and tidal rivers in the case of an estuary, it must be determined when the estuary is open to the sea.
- The high water mark for tidal rivers (i.e. the point to which the tidal influence of the sea is evident) must be determined on a case-by-case basis.
- Consider the following:
  - Sea Shore Act, 1935 (Act No. 21 of 1935)
  - Coastal Zone Policy
  - National Coastal Management Bill
  - Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) if mining activities are involved.

**ACTIVITIES THAT REQUIRE SCOPING & EIA**

(Activities listed in Government Notice 387 of 21 April 2006)

“**coastal marinas and harbours**” for the purpose of this guideline is understood mean infrastructure that has been constructed, of any material, to serve a particular purpose such as:

- a) to provide access to open water beyond the shoreline (e.g. pier);
- b) to provide for the mooring, repair, loading and offloading of sea going vessels (e.g. harbours)
- c) may include a residential, commercial, tourism, resort component.

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

“**revetment**” means a facing, sheathing or retaining wall for protecting earthworks, coastlines or riverbanks. For the purpose of this guideline it refers to rocks, boulders or dolosse dumped to form a stabilising structure.

“**sea**” according to *the regulations* means the water and the bed of the sea and the subsoil thereof, below the high-water mark, including the water and the bed of any tidal river and tidal lagoon.

“**underwater channels**” for the purpose of this activity is understood to mean any underwater channels (open or closed structures) constructed for the purpose of laying pipelines or cables.

**INCLUSIONS:**

- i) Underwater pipelines;

**NOT INCLUDED:****GENERAL NOTES:**

- The high water mark includes tidal lagoons and tidal rivers in the case of an estuary, it must be determined when the estuary is open to the sea.
- The high water mark for tidal rivers (i.e. the point to which the tidal influence of the sea is evident) must be determined on a case-by-case basis.
- The competent authority in respect of this activity must be checked in terms of Section 24C(2) of the NEMA.
- Structures that may extend beyond 100 metres from the high water mark of the sea (e.g. tunnels, channels etc.) will be considered necessary for the undertaking of an Activity and must be assessed as one project.

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<ul style="list-style-type: none"> <li>○ White Paper on Sustainable Coastal Development in SA (April, 2000)</li> <li>○ CapeNature Jetty Policy (draft)</li> <li>○ NEMA ORV Regulations for slipways and jetties</li> </ul> <p>The applicability of the following Activities that should be considered include <i>inter alia</i>: GN no. R.386 of 2006, items –</p> <ul style="list-style-type: none"> <li>▪ 3 – preventing movement of sand within 100m of the high water mark of the sea</li> <li>▪ 4 – dredging ....moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland</li> <li>▪ 5 – damaging indigenous vegetation of more that 10m<sup>2</sup> within 100m of the high water mark of the sea</li> <li>▪ 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea</li> <li>▪ 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more</li> <li>▪ 15 – construction of roads</li> <li>▪ 16 – transformation of vacant undeveloped land</li> <li>▪ 17 - phased development.</li> </ul>	<p>The applicability of the following Activities that should be considered include inter alia: GN no. R.386 of 2006, items -</p> <ul style="list-style-type: none"> <li>▪ 2 - construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea;</li> <li>▪ 3 - preventing movement of sand within 100m of the high water mark of the sea;</li> <li>▪ 4 – dredging ....moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland</li> <li>▪ 5 – damaging indigenous vegetation of more that 10m<sup>2</sup> within 100m of the high water mark of the sea</li> <li>▪ 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea</li> </ul> <p><b>Note:</b> The above list of activities do not necessarily trigger Item 9, however if they form part of such an activity, they and must be assessed as part of the Scoping and EIA application.</p>
<p style="text-align: center;"><b>7</b></p> <p><b>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.</b></p>	<p style="text-align: center;"><b>1 (c)</b></p> <p><b>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.</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>“dangerous goods”</b> according to <i>the regulations</i> means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous substances and goods”, as may be amended from time to time;</p> <p><b>“any one location or site”</b> for the purpose of this guideline means the facility or infrastructure must be clearly linked either via a cadastral link (e.g. the same cadastral unit) or physically by means of infrastructure (e.g. pipelines and by means of processes).</p> <p><b>“combined capacity”</b> in the context of this activity refers to all new or existing infrastructure that provides for the storage of 30 cubic metres, or more but less than 1000 cubic metres.</p> <p><b>INCLUSIONS:</b></p>	<p><b>INTERPRETATION:</b></p> <p><b>“dangerous goods”</b> according to <i>the regulations</i> means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods”, as may be amended from time to time;</p> <p><b>“any one location or site”</b> for the purpose of this guideline means the facility or infrastructure must be clearly linked either via a cadastral link (e.g. abutting property) or physically by means of infrastructure (e.g. pipelines and by means of processes).</p> <p><b>“combined capacity”</b> ” in the context of this activity refers to all new or existing infrastructure that provides for the storage of 1000 cubic metres, or more.</p> <p><b>“tank farm”</b> means a site where a number of individual fuel tanks are located or proposed.</p> <p><b>INCLUSIONS:</b></p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>i) Aboveground temporary storage tanks that will be utilised for more than 30 days (e.g. for construction sites)</p> <p><b>NOT INCLUDED:</b></p> <p>i) Underground storage of any substance (Refer to GN no. R. 387 of 2006, item 3)</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Note that filling stations can have above ground and/or underground storage facilities. Filling stations are listed irrespective of the size of associated storage tanks. This activity requires a scoping/EIA application as it is listed in GN no. R. 387 of 2006, item 3.</li> <li>▪ Consider the applicability and requirements of the National Water Act, 1998 (Act no 36 of 1998)</li> <li>▪ Consider the requirements of the Hazardous Substances Act, 1973 (Act 36 of 1973)</li> <li>▪ Consider SANS 10228. Dangerous goods/ substances that are commonly used include <i>inter alia</i> <ul style="list-style-type: none"> <li>○ ammonia;</li> <li>○ ethanol;</li> <li>○ petrol additives (toluene etc.);</li> </ul> </li> </ul> <p>The applicability of the following Activities that should be considered include inter alia: GN no. R. 387 of 2006, items</p> <ul style="list-style-type: none"> <li>▪ 3 – filling stations and</li> <li>▪ 1(c) - storage of dangerous goods</li> </ul>	<p><b>NOT INCLUDED:</b></p> <p>i) Tanker ships as they are regarded to be temporary storage vessels.</p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Refer to the list of SANS codes.</li> <li>▪ If a risk assessment is required it must be submitted as a specialist study with the Environmental Impact Report.</li> <li>▪ The risk assessment information will be considered to classify this as a Major Hazard Installation Regulations (MHI) and require a permit in terms of the (GN. No. R.692) of 30 July 2005 promulgated under the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).</li> <li>▪ The impacts and risk associated with marine transport routes and infrastructure, e.g. tanker ships, must be considered and assessed in the context of the larger project where the dangerous goods are delivered from sea to land.</li> <li>▪ Examples of tanks farms with a combined capacity of 1000 cubic metres or more can be found in Mossel Bay and Milnerton. The tanks in a tank farm are usually large (e.g. approximately 1000 m<sup>3</sup> or more) and are typically associated with refineries and serve as bulk storage facilities.</li> </ul> <p>The applicability of the following Activities that should be considered include inter alia: GN no. R.387 of 2006, item</p> <ul style="list-style-type: none"> <li>▪ 1(d) – petroleum refinery.</li> </ul>
<p style="text-align: center;"><b>8</b></p> <p><b>Reconnaissance, prospecting, mining or retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), in respect of such permissions, rights, permits and renewals thereof.</b></p>	<p style="text-align: center;"><b>7</b></p> <p><b>Reconnaissance, exploration, production and mining as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended in respect of such permits and rights.</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>Note:</b> the competent authority for this part of the schedule is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended. Information regarding this activity will be provided at a later stage.</p>	<p><b>INTERPRETATION:</b></p> <p><b>Note:</b> the competent authority for this part of the schedule is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended. Information regarding this activity will be provided at a later stage.</p>
<p style="text-align: center;"><b>9</b></p> <p><b>In relation to permissions, rights, permits and renewals granted in terms of 8 above, or any other similar right granted in terms of previous mineral or mining legislation, the undertaking of any prospecting or mining related activity or operation within a prospecting, retention or mining area, as defined in terms of section of 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</b></p>	<p style="text-align: center;"><b>8</b></p> <p><b>In relation to permits and rights granted in terms of 7 above, or any other right granted in terms of previous mineral legislation, the undertaking of any reconnaissance exploration, production or mining related activity or operation within a exploration, production or mining area, as defined in terms of section of 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</b></p>



<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p><b>INTERPRETATION:</b></p> <p><b>Note:</b> the competent authority for this part of the schedule is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended. Information regarding this activity will be provided at a later stage.</p>	<p><b>INTERPRETATION:</b></p> <p><b>Note:</b> the competent authority for this part of the schedule is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended. Information regarding this activity will be provided at a later stage.</p>
<p style="text-align: center;"><b>16</b></p> <p><b>The transformation of undeveloped, vacant or derelict land to –</b>  <b>(a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or</b>  <b>(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.</b></p>	<p style="text-align: center;"><b>2</b></p> <p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p><b>Note:</b> Land is regarded to be undeveloped, vacant or derelict in circumstances where such land has, at no time during the preceding <u>9 years</u>, been lawfully developed, occupied or zoned for the purpose of residential, mixed, retail, commercial, industrial or institutional use.</p> <p><b>“derelict land”</b> for the purpose of this guideline means abandoned land or property, whether or not improvements have been affected upon the land, below ground, including infrastructure on such land, except during the preceding nine year period.</p> <p><b>“land”</b> for the purpose of this guideline means a cadastral unit or portion, or combination thereof on which a NEMA EIA regulation activity is to be undertaken.</p> <p><b>“infill development”</b> according to <i>the regulations</i> means <i>“urban development, including residential, commercial, retail, institutional, educational and mixed use development, but excluding industrial development, in a built up area which is at least 50 percent abutted by urban development and which can be readily connected to municipal bulk infrastructure services”</i> (according to the Schedule 1).</p> <p><b>“mixed use”</b>, according to the regulations with regard to an activity, means <i>“the presence of two or more types of land use in an area”</i>.</p> <p><b>“transformation”</b> for the purpose of this guideline means physically altering the appearance, function or current use.</p> <p><b>“area to be transformed”</b> includes all areas and development structures and infrastructure within the perimeter of the outer edge of the development.</p>	<p><b>INTERPRETATION:</b></p> <p><b>“development activity”</b> in relation to land, for the purpose of this activity means to utilise or improve a portion of land and thereby establish a land-use which may <i>inter alia</i> include use for urban or rural development, including residential, commercial, retail, institutional, educational, mixed use development, industrial; agri-industrial, agricultural (cultivated land), forestry and mining land uses.</p> <p><b>“land”</b> for the purpose of this guideline means a cadastral unit or portions thereof on which a NEMA EIA regulation activity is to be undertaken.</p> <p><b>“mixed use”</b>, according to <i>the regulations</i> with regard to an activity, means the presence of two or more types of land use in an area;</p> <p><b>“transformation”</b> for the purpose of this guideline means physically altering the appearance, function or current use.</p> <p><b>“where the total area of the developed area is 20 hectares”</b> in relation to land, includes all areas and development structures and infrastructure within the perimeter of the outer edge of the development.</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>“<b>undeveloped</b>”, for the purpose of this guideline means that no improvements have been affected upon the land, below ground, including infrastructure on such land, except during the preceding nine year period.</p> <p>“<b>vacant</b>” for the purpose of this guideline means <i>unoccupied</i> i.e. not occupied for the purpose of its lawful land use right namely residential, mixed, retail, commercial, industrial or institutional use, except during the preceding nine year period.</p> <p><b>INCLUSIONS:</b></p> <p>i) Land is regarded to be undeveloped, vacant or derelict in the following circumstances:</p> <p>(a) Land on which infrastructure has been installed for the purpose of residential, mixed, retail, commercial, industrial or institutional and other urban uses, but no further development commenced within the last 9 years (e.g. derelict);</p> <p>(b) Land has been landscaped or earthworks in preparation of development, without development commencing in the last 9 years (e.g. vacant) after the completion of the landscaping/earthworks; and</p> <p>(c) Mining areas (e.g. quarries etc.) not mined within the last 9 years is regarded to be derelict for the purpose of residential, mixed use (change throughout), retail, commercial, industrial or institutional use.</p> <p><b>NOT INCLUDED:</b></p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ The onus is on the applicant to prove that the land has at no time during the preceding 9 years been lawfully developed, occupied or cultivated.</li> <li>▪ Consider the provisions and applicability of –             <ul style="list-style-type: none"> <li>○ the LUPO.</li> <li>○ Promotion of Land Tenure Act.</li> </ul> </li> </ul>	<p><b>INCLUSIONS:</b></p> <p>i) Urban or rural development, including residential, commercial, retail, institutional, educational, mixed use development, , where the developed area is, or is intended to be, 20 hectares or more;</p> <p>ii) Industrial and agri-industrial land use where the developed area is, or is intended to be, 20 hectares or more.</p> <p>iii) agricultural (cultivated land), forestry and mining land uses where the developed area is, or is intended to be, 20 hectares or more.</p> <p><b>NOT INCLUDED:</b></p> <p><b>GENERAL NOTES:</b></p> <ul style="list-style-type: none"> <li>▪ Consider the provisions and applicability of –             <ul style="list-style-type: none"> <li>○ the LUPO.</li> <li>○ Promotion of Land Tenure Act.</li> </ul> </li> </ul>
<p style="text-align: center;"><b>25</b></p> <p><b>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.</b></p>	<p style="text-align: center;"><b>1(e)</b></p> <p><b>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</b></p>
<p><b>INTERPRETATION:</b></p> <p>“<b>emissions</b>” for the purpose of these regulations refer to</p> <p>(a) the action of emitting something, especially heat, light, gas, or radiation.</p> <p>(b) a substance which is emitted <i>(source: Oxford Dictionary)</i></p> <p><b>INCLUSIONS:</b></p> <p>i) A new permit or licence governing the release of</p>	<p><b>INTERPRETATION:</b></p> <p>“<b>emissions</b>” for the purpose of these regulations refer to</p> <p>(a) the action of emitting something, especially heat, light, gas, or radiation.</p> <p>(b) a substance which is emitted <i>(source: Oxford Dictionary)</i></p> <p><b>INCLUSIONS:</b></p> <p>i) Facilities that include processes and activities</p>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> (Activities listed in Government Notice 386 of 21 April 2006)	<b>ACTIVITIES THAT REQUIRE SCOPING &amp; EIA</b> (Activities listed in Government Notice 387 of 21 April 2006)
<p>emissions, pollution, effluent or waste to air, water or soil for an existing facility for any process or activity.</p> <p>ii) Processes and activities regulated in terms of the National Water Act (Act 36 of 1998).</p> <p>iii) Processes and activities which will result in atmospheric emissions and/or pollution and that are listed in terms of Section 21 of the National Environment Air Quality Act (Act no 39 of 2004)</p> <p>iv) Scheduled processes under the Second Schedule to the Atmospheric Pollution Prevention Act, (Act 45 of 1965).</p> <p><b>NOT INCLUDED:</b></p> <p>i) Instances where the amendment of a permit or licence are for reasons other than changes in the quality of quantity of emissions (e.g. administrative amendment is required to a permit or licence such as change of owner).</p> <p><b>GENERAL NOTES:</b> Consider the applicability and requirements of the -</p> <ul style="list-style-type: none"> <li>▪ National Water Act, 1998 (Act no 36 of 1998)</li> <li>▪ National Environment Management: Air Quality Act (Act no 39 of 2004)</li> <li>▪ Hazardous Substances Act, 1973 (Act no 15 of 1973)</li> </ul>	<p>regulated in terms of the National Water Act (Act 36 of 1998).</p> <p>ii) Facilities that include processes and activities which will result in atmospheric emissions and/or pollution and that are listed in terms of Section 21 of the National Environment Management: Air Quality Act (Act no 39 of 2004)</p> <p>iii) Facilities that include processes or activities listed in Scheduled processes under the Second Schedule to the Atmospheric Pollution Prevention Act, (Act 45 of 1965).</p> <p>iv) Facilities that require a permit issued in terms of the National Water Act, 1998, related to the release of liquid effluent into the environment.</p> <p><b>NOT INCLUDED:</b></p> <p>i) Instances where the construction of a facility does not require an amendment of a permit or licence (e.g. for reasons other than changes in the quality of quantity of emissions or an administrative amendment is required to a permit or licence such as change of owner).</p> <p><b>GENERAL NOTES:</b> Consider the applicability and requirements of the -</p> <ul style="list-style-type: none"> <li>▪ National Water Act, 1998 (Act no 36 of 1998)</li> <li>▪ National Environment Management: Air Quality Act (Act no 39 of 2004)</li> <li>▪ Hazardous Substances Act, 1973 (Act no 15 of 1973)</li> </ul>

<b>ACTIVITIES THAT REQUIRE BASIC ASSESSMENT</b> Activities listed in Government Notice 386 of 21 April 2006
<p style="text-align: center;"><b>1( b )</b></p> <p><b>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.</b></p> <p><b>INTERPRETATION:</b></p> <p>“<b>ore</b>” means a naturally occurring solid material from which a metal or valuable mineral can be extracted. (<i>source: Oxford Dictionary</i>)</p> <p>“<b>storage</b>” for the purpose of this activity means a facility at which ore is stored at any given time with a capacity of 1000 tons or more but less than 100 000 tons of ore.</p> <p>Structures or infrastructure, associated with the facility applied for, include <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Access roads</li> <li>• Buildings, storage facilities and any other built infrastructure.</li> <li>• Water and electricity supply</li> <li>• Fences e.g. perimeter fences</li> </ul> <p><b>INCLUSIONS:</b></p> <p>i) Site clearing, earthworks and/or site preparation activities that change the physical attributes of the site with the purpose of storing ore;</p> <p><b>NOT INCLUDED:</b></p> <p>i) Stockpiling of material other than rock or earth (e.g. grit, builders rubble, sand etc) where the purpose is not to</p>

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

extract any metal or mineral.

### General Notes:

- This activity may be contemplated in Section 24C(2) of the NEMA, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended, namely DME.
- Consider the requirements of the Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002).
- Consider the requirements of the National Water Act, 1998 in terms of potential ground and surface water pollution
- The applicant must provide the weight, volume/ air space and surface area to be covered.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, item -

- 1(v) – advertising signs
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 17 - phased development.

GN no. R. 387 of 2006, item -

- 7 – mining of minerals

### 1(c)

**The construction of facilities or infrastructure, including associated structures or infrastructure for the storage of more than 250 tons and less than 100 000 tons of coal.**

### INTERPRETATION:

“**coal**” according to *the regulations* includes pseudo-coal, anthracite, torbanite or oil shale.

“**facilities for the storage of coal**”: in terms of this guideline means any site on which site preparation activities have changed the physical attributes of the site.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access roads
- Buildings, storage facilities and any other built infrastructure.
- Water and electricity supply
- Fences e.g. perimeter fences

### INCLUSIONS:

- i) Indoor or outdoor storage facilities

### NOT INCLUDED:

### GENERAL NOTES:

- Note: that this activity is only triggered if a facility is constructed for the storage of coal.
- Consider the requirements of the Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002).
- Consider the requirements of the National Water Act, 1998 in terms of potential ground and surface water pollution

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items –

- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – regarding the construction of associated roads
- 17 - phased development.
- 7 – mining of minerals

### 1(d)

**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).**

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### INTERPRETATION:

“**resort**” for the purpose of this guideline is understood to refer to holiday and recreational resorts which carry, or require, a resort zoning in terms of the relevant zoning scheme.

“**hotel**” means an establishment providing accommodation and meals for travellers and tourists (source: *Oxford Dictionary*).

“**lodge**” in the context of this activity and for the purpose of this guideline is understood to mean -

- a) to refer to a house providing rented accommodation;
- b) a hotel or rest camp in a game reserve; (source: *Oxford Dictionary*), and
- c) a small country house occupied in season for sports such as hunting and shooting (source: *Oxford Dictionary*)

“**tourism and hospitality facilities**” for the purpose of these guidelines is understood to refer to facilities associated with resorts, lodges or hotels that provide reception and/or entertainment to tourists and guests (e.g. conference facilities and restaurants).

“**protected area**” in terms of section 9 of the NEM:PAA includes the following:

- o special nature reserves, nature reserves (including wilderness areas) and protected environments
- o world heritage sites
- o specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the national Forests Act (No 84 of 1998)
- o Mountain catchment areas declared in terms of the Mountain Catchment Areas Act (No 63 of 1970)

“**special nature reserve**” from the NEM:PAA means -

- (a) an area which was a special nature reserve in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), immediately before the repeal of section 18 of that Act by section 90 of this Act; or
- (b) an area declared, or regarded as having been declared, in terms of section 18 as a special nature reserve, and includes an area declared in terms of section 18 as part of an area referred to in paragraph (a) or (b) above;

“**wilderness area**” means an area designated in terms of Section 22 and 26 Protected Natural Environment for the purpose of retaining an intrinsically wild appearance and character or capable of being restored to such and which is undeveloped and roadless, without permanent improvements or human habitation.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, helipads, parking areas etc.)
- Buildings, storage facilities and any other built infrastructure.
- Services (water, electricity supply, sewerage etc.)
- Fences e.g. perimeter fences
- Associated outdoor recreational activities linked to accommodation facilities. These include, but are not limited to a golf courses, tennis/squash courts, hiking trails, horse trails, mountain bike trails, 4X4 trails, water sport facilities swimming pools, play parks, picnic sites, and viewing sites. These facilities are specifically for use by visitors. Recreational facilities do not include sporting facilities used by clubs or organizations for competitive purposes.

### INCLUSIONS:

The following is applicable to facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003):

- i) The establishment of additional new facilities to create a resort on a site where there is existing development (e.g. a house, sheds).
- ii) Overnight accommodation facilities. This includes, but is not limited to, hotels, guest lodges, guest houses, guest farms, health spas, camping sites, overnight huts and caravan parks;
- iii) Conference facilities associated with overnight accommodation.
- iv) The following facilities are included:
  - Entertainment facilities/complexes, which cater for mainly indoor activities *per se*, including facilities for public performances (e.g. live music), for gambling (casinos) and for cultural activities (e.g. cultural village).
  - Retail facilities such as a gift shop, craft shop or a farm stall.
  - Separate/stand-alone eating facilities such as a coffee shop, tea garden or a restaurant.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### NOT INCLUDED:

- i) Provision of additional buildings (e.g. offices) to an existing facility provided that this is not related to increasing the capacity of the activity.
- ii) Associated outdoor recreational activities *per se*, linked to accommodation facilities that do not constitute an expansion of the Activity.
- iii) Construction does not mean the conversion of an existing homestead or residence into a guesthouse provided that this does not involve any extensions to the existing buildings (refer to associated outdoor recreational facilities).
- iv) Formal sports facilities and sports grounds. This means sports facilities for educational institutes or sports clubs.
- v) Formal sports venues specifically developed for the purposes of hosting sports events (local, regional, national or international). These facilities are used for competitive purposes.

### GENERAL NOTES:

Consider the requirements of the -

- Provincial Coastal Spatial Policy
- National Coastal Management Bill
- DEA&DP WCPSDF, Resort guideline and Urban Edge guideline and Specialist Guideline series.
- Requirements of LUPO
- National Water Act, 1998 in terms of potential ground and surface water pollution and the establishment of sewerage systems
  
- To add to and clarify the definition of a resort, it can be regarded as a facility that could be frequented by tourists, holidaymakers and other members of the general public seeking access to a particular, unique, recreational or other tourism resource, be it a natural, cultural or historic site, seasonal occurrence or man-made attraction or a special quality of place. It includes resorts for day visitors as well as those providing overnight accommodation.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 1(k) – pipelines for water and sewerage
- 1(o) – handling and temporary storage of general waste.
- 1(s) – treatment of effluent
- 1(v) – advertising signs
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more
- 13 – abstraction of ground water
- 17 – phased development.
- 18 – subdivision of land
- 15 – construction of roads
- 1(f) – lawned areas, tracks etc; and

GN no. R.387 of 2006, item -

- 1(t) – lawned areas, tracks etc
- 1(o) – final disposal of waste covering 100m<sup>2</sup>

### 1(f)

**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.**

### INTERPRETATION:

“**spectator facilities**” include structures or infrastructure specifically constructed to accommodate 8000 or more people at any given time.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, helipads, parking areas etc.);
- Built infrastructure (e.g. administration buildings; ablution facilities; club houses storage facilities and maintenance buildings);
- Services (water, electricity supply, sewerage etc.); and
- Fences e.g. perimeter fences.



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### INCLUSIONS:

- i) These include indoor and outdoor stadia, with or without grandstands that can accommodate 8000 people or more. e.g. the stadium, stands, gazebos, pavilions, grass embankments associated with sport spectator facilities.
- ii) Temporary facilities for once-off events that can accommodate 8000 people or more. e.g. tents, marques, stands, spectator facilities for open air events.

### NOT INCLUDED:

- i) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of the spectator facilities.
- ii) Associated infrastructure added to existing activities.
- iii) Linear sporting activities with spread out sport spectator facilities that do not exceed the threshold at a given point or area along the route (e.g. cycle races; athletic marathon events).

### GENERAL NOTES:

- The primary focus of the activity is the “spectator facilities”, and therefore the playing surfaces related to the specific sport are only associated activities. However, this activity is closely linked with GN no. R.386 of 2006, item 1(f) and GN no. R. 387 of 2006, item 1(t) – lawns, playing fields or sports tracks covering an area of more than three hectares.
- In general, sporting events along a linear route (i.e. cycle races; road races and marathons) that have spread out sport spectator facilities are not regarded to meet the threshold requirement of the activity, as they seldom exceed the threshold at a given point or area along the route.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 1 (k) – pipelines for water and sewerage
- 1(v) – advertising signs
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – construction of roads
- 16 – transformation of vacant undeveloped land
- 17 – phased development.
- 1(f) – lawned areas, tracks etc.; and

GN no. R. 387 of 2006, item

- 1(t) – lawned areas, tracks etc.

### 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**

### INTERPRETATION:

The facilities refer to abattoirs and slaughterhouses where animals are slaughtered with a design capacity to deal with a product throughput of 10 000kg or more per year.

“**product throughput**” for the purpose of this activity is understood to refer to the slaughtered weight e.g. animal carcass minus by-products (e.g. skin, internal organs, hooves, intestines, head). Product throughput refers to the design capacity of the facility and is to be determined by obtaining the unit weight per slaughtered animal multiplied by the number of animals slaughtered per year.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.)
- Built infrastructure (e.g. administration buildings; ablution facilities; storage facilities and maintenance buildings)
- Services (water, electricity supply, sewerage etc.)
- Fences e.g. perimeter fences
- Holding pens for animals to be slaughtered

### INCLUSIONS:

- i) Facilities include *inter alia*, abattoirs and slaughterhouses with a design capacity to deal with product throughput of 10 000kg or more per year.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### NOT INCLUDED:

- i) By-products that are removed during the slaughtering process (e.g. skin, internal organs, hooves, intestines, head)
- ii) Processing and other facilities that do not form part of the slaughtering facility.
- iii) Replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the plant.
- iv) Associated infrastructure added to existing activities that does not result in an expansion of the facility.

### GENERAL NOTES:

- Processing after the dictionary definition of “process” means a series of actions or steps towards achieving a particular end (source: *Oxford Dictionary*). This is applied to the treatment of the slaughtered carcass unless such processing forms part of the slaughtering process and facility.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items -

- 1(h) – concentration of animals
- 1(j) – agri-industry
- 1(k) – pipelines for water and sewerage
- 1(o) – handling and temporary storage of general waste.
- 1(p) – storage of hazardous waste
- 1(s) – treatment of effluent
- 1(v) – advertising signs
- 17 – phased development.

GN no. R.386 of 2006, items -

- 1(o) – final disposal of general waste.

### 1(h)

**The construction of facilities or infrastructure, including associated structures or infrastructure for the concentration of animals for the purpose of commercial production in densities that exceed -**

- (i) **20 square metres per head of cattle and more than 500 cattle per facility per year;**
- (ii) **8 square meters per sheep and more than 1 000 sheep per facility per year;**
- (iii) **8 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) **3 square metres per head of poultry and more than 250 poultry per facility at any time, excluding chicks younger than 20 days;**
- (vi) **3 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.**

### INTERPRETATION:

#### Note –

- Both the concentration threshold as well as the threshold in terms of the total number of animals per facility per year must be exceeded in order for this activity to be applicable.
- “Density” increases with a decrease in the number of square metres per animal (e.g. density of 100 square metres per ostrich is a higher density than 120 square metres per ostrich).
- The total number of animals at a facility does not refer to the number of animals at the facility at any one time, but rather to the total number of animals of different animals concentrated at the facility over a period of one year (i.e. throughput per year).

### INCLUSIONS:

#### NOT INCLUDED:

- i) Auction facilities



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- ii) Temporary holding pens associated with on/ off-loading at road and railway transport or slaughter houses/ abattoirs.

### GENERAL NOTES:

- The concentration of animals at concentration as listed in the regulation normally would require supplementary feeding.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 1 (g) - infrastructure for the slaughter of animals;
- 1 (k) – pipelines for water and sewerage;
- 1 (s) – treatment of sewage;
- 12 – regarding the clearing of indigenous vegetation, and
- 17 - phased development.

### 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.**

### INTERPRETATION:

“**aquaculture**” according to *the regulations* means the farming of animals or plants in an aquatic environment.

“**product throughput of the facility**” of the facility for the purpose of this activity is understood to refer to the designed capacity in terms of the amount of final product (“wet weight”) that can be produced or removed from the facility per year and not the amount produces or removed from the facility at any given time. In the case of mollusc species wet weight refers to the weight with the shell.

This activity refers to both commercial and non-commercial facilities (i.e. research facilities).

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.)
- Built infrastructure (e.g. administration buildings; ablution facilities; storage facilities and maintenance buildings)
- Services (water, electricity supply, sewerage etc.)
- Fences e.g. related to the concentration of animals, perimeter fences.
- Infrastructure for the disposal of waste water and waste products (e.g. oxidation/maturation ponds, treatment of condemned carcasses).

### INCLUSIONS:

- i) Construction of dams or reservoirs as well as the installation of infrastructure in existing dams or reservoirs.
- ii) Commercial and non-commercial facilities (e.g. research facilities).

### NOT INCLUDED:

- i) Replacement or maintenance of equipment provided that this does not result in an expansion of the facility (i.e. increase in capacity of facility)..
- ii) Provision of additional buildings (e.g. offices or other infrastructure) provided that this does not result in an expansion of the facility (i.e. increase in capacity of facility).

### GENERAL NOTES:

- The aquatic environment refers to both a natural or artificial created environment.
- To determine the applicability of this activity the product throughput (measured in wet weight) per year must be supplied by the proponent.
- Consider the requirements of *inter alia*:
  - the Sea Shore Act, 1935 (Act No. 21 of 1935)
  - the Coastal Zone Policy
  - the National Coastal Management Bill

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 1 (k) – pipelines for water and sewerage;

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- 1 (o) – handling and temporary storage of general waste;
- 1 (s) – treatment of sewage;
- 5 – removing more than 10m<sup>2</sup> of vegetation within 100m from the high water mark;
- 6 – excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble exceeding 10m<sup>2</sup> within 100m from the high water mark;
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more; and
- 17 – phased development.

### 1(j)

**The construction of facilities or infrastructure, including associated structures or infrastructure for agri-industrial purposes outside areas zoned for industrial purposes that cover an area of 1 000 square metres or more.**

#### INTERPRETATION:

**“agri-industrial”** according to *the regulations* means an activity “undertaking involving the production, processing, manufacture, *packaging or storage* of agricultural produce and includes battery farm operations that are under roof”.

**“Agricultural produce”** for the purpose of this guideline refer to processed agricultural products e.g. Cheese produced from milk, or wine from grapes

**“packaging or storage of agricultural produce”** for the purpose of this guideline refers to -

- a) the packaging or storage facilities for agricultural produce which require to be rezoned to Agriculture II in terms of the relevant zoning scheme, or
- b) the packaging or storage facilities for the packaging or storage of processed agricultural products e.g. Cheese produced from milk, or wine from grapes

**“processing”** is generally undertaken to add value to the agricultural product. For the purpose of these guidelines “processing” activities refer to the altering of the original form of the primary agricultural product e.g. making wine from grapes, fruit juice from fruit, cheese or butter from milk (the “beneficiation” of the agricultural product).

**“zoned for industrial purposes”** for the purpose of this activity is understood to refer to general industrial zoning as well as the appropriate zoning for agri-industrial (e.g. Agriculture Zone II).

**Note:** The criteria of 1000m<sup>2</sup> includes associated infrastructure such as offices, parking areas, disposal of waste water and waste products etc (e.g. the area to be directly impacted).

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.)
- Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings)
- Services (water, electricity supply, sewerage etc.)
- Fences e.g. perimeter fences.
- Infrastructure for the disposal of waste water and waste products e.g. oxidation/maturation ponds, treatment of condemned carcasses.

#### INCLUSIONS:

- i) Storage facilities (e.g. cold storage, maturation facilities);
- ii) Water bottling plants;
- iii) Packaging facilities e.g. packing sheds insofar as it refers to processed goods.
- iv) New wineries in an existing building covering an area of 1000 m<sup>2</sup> or more.

#### NOT INCLUDED:

- i) Provision of additional buildings (e.g. offices) provided that this does not result in expansion of the capacity of an exiting agri-industry facility.
- ii) Storage facilities for primary agricultural products (e.g. hay, grain varieties, fruits), that do not require an appropriate industrial zoning (i.e. Agriculture Zone II).

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### GENERAL NOTES:

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 1(k) – pipelines for water and sewerage;
- 1(o) – handling and temporary storage of general waste.
- 1(s) – treatment of effluent
- 1(v) – advertising signs
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – construction of roads
- 16 – transformation of vacant undeveloped land, and
- 17 – phased development.

GN no. R.387 of 2006, items –

- 1(o) – final disposal of general waste.

### 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 or channels with -**

- (a) An internal diameter of 0,36 metres or more; or**
- (b) A peak throughput of 120 litres per second or more**

### INTERPRETATION:

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

**“throughput”** for the purpose of this activity refers to the design capacity of such pipelines or channels, that can allow a volume of 120 litres per second or more through at any given time. This may be achieved by means of pumps (e.g. booster pumps).

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);
- Services (water, electricity supply, sewerage etc.)
- Fences e.g. perimeter fences.
- Pump stations

### INCLUSIONS:

#### NOT INCLUDED:

- i) Replacement of leaking pipelines with new pipelines provided the routing and capacity of the pipeline remains the same.
- ii) Storm water culverts associated with roads are not regarded as channels/pipelines for bulk transport. (Note: refer to activity 1(m) of GN 386 in this regard).

### GENERAL NOTES:

- The throughput capacity refers to the design capacity.
- The relevant water service development plan should be considered.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 1(d) – resorts, lodges in protected areas;
- 1(e) – facilities with lawns, playing fields or sports tracks covering an area of more than 3ha;
- 1 (k) – pipelines for water and sewerage;
- 1 (m) – facilities for any purpose below the 1:10 year floodline of a river or stream;
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more;
- 15 – construction of roads;
- 16 – transformation of vacant undeveloped land; and

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- 17 – phased development.

GN no. R.386 of 2006, items –

- 1(d) – refining of gas, oil and petroleum products;
- 1(j) – bulk transportation of hazardous goods using pipelines;
- 1(n) – transfer of water between water catchments or impoundments;
- 1(p) – treatment of effluent, wastewater or sewage
- 1(t) – facilities with lawns, playing fields or sports tracks covering an area of more than 10ha;
- 2 – any development larger than 20ha;
- 3 – filling stations.

### 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

### INTERPRETATION:

“**bank**” for the purpose of these guidelines and the purpose of measuring the 32m is understood to refer to the highest points on either side of the main river channel or a pronounced gradient change that separates the river channel from the surrounding floodplain.

“**canal**” according to *the regulations* is defined as - an open structure that is lined or reinforced for the conveying of a liquid or that serves as an artificial watercourse;

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

“**river or stream**” for the purpose of these guidelines is understood to include seasonal streams and water courses.

“**weir**” for the purpose of these guidelines is understood to refer to a structure across a river/ stream controlling the flow of the water above it (such structure must be interpreted to include hard and soft structures).

“**existing residential use**” for the purpose of these guidelines is understood to refer to existing physical residential use (i.e. residential structures) below 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.

“**infrastructure associated with existing residential use**” refers to infrastructure normally associated with residential use. Infrastructures such as jetties and structures for launching of watercraft are not regarded to fall within this description.

### Note –

- The inclusion of “dams” in this activity means that any *in-stream structure, e.g. dams, of any size* constitutes a listed activity.
- The activity is *not limited* to canals, channels, bridges, dams and weirs only. The use of the term “any purpose” has a wide interpretation, and refers to any structure that could be constructed, e.g. gabions, pipelines, etc. Only facilities or infrastructure with a clear link to the existing residential use on the property at the time of the commencement of this activity will be excluded.
- A new proposed residence/ dwelling unit, including associated structures or infrastructure, within 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, must be regarded as a listed activity.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- Access infrastructure (roads, maintenance roads, parking areas etc.);
- Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);
- Services (water, electricity supply, sewerage etc.);
- Boundary walls and perimeter fences.

### INCLUSIONS:

- i) All purposes associated with new residential use, such as houses, out-buildings dwellings, boundary walls, etc.
- ii) Buildings (e.g pump stations, pump houses).
- iii) Storage facilities and maintenance buildings
- iv) Gabions or any other riverbank stabilising structures;
- v) Levees, consisting of any material;
- vi) Access infrastructure such as:
  - roads and associated structures (i.e. bridges, culverts)
  - jetties (even if associated with residential erven)
  - structures for launching of watercraft.

### NOT INCLUDED:

- i) Purposes associated with existing residential use, such as houses and out-buildings associated with residential dwellings, boundary walls, etc.
- ii) Replacement of defunct equipment with new equipment provided that this does not result in an expansion of the facility (i.e. increase in capacity of facility)

### GENERAL NOTES:

- i) A clear distinction must be made between new and existing residential use (i.e. existing residential areas is not included, whereas the listed activity will be applicable to new proposed residential areas).

The applicability of the following activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 1 (k) – pipelines for water and sewerage
- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 4 – dredging ....moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland
- 5 – damaging indigenous vegetation of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – construction of roads
- 16 – transformation of vacant undeveloped land
- 17 - phased development.

GN no. R.386 of 2006, items –

- 1(j) – bulk transportation of hazardous goods using pipelines;
- 1(n) – transfer of water between water catchments or impoundments;
- 1(p) – treatment of effluent, wastewater or sewage
- 1(s) – rail
- 1(t) – facilities with lawns, playing fields or sports tracks covering an area of more than 10ha;
- 2 – any development larger than 20ha;

### 1(r)

**The construction of facilities or infrastructure, including associated structures or infrastructure, for the outdoor racing of motor powered vehicles including –**

- (i) motorcars;
- (ii) trucks;
- (iii) motorcycles;
- (iv) quad bikes;
- (v) boats; and
- (vi) jet skis.

### INTERPRETATION:

**“facilities for outdoor racing of motor powered vehicles”** for the purpose of this guideline is understood to refer to facilities for competitive outdoor racing.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

“**race**” for the purpose of this activity is understood to refer to a competition between motor powered vehicles to see which is fastest over a set course.

Structure or infrastructure, associated with the facility, include *inter alia*:

- Garaging/ servicing facilities (including structures required for repairs) for motorcars, trucks, motorcycles or quad bikes;
- Facilities, structures or infrastructure associated to the activity e.g. offices, emergency services; ablution facilities, permanent seating facilities required for spectators or onlookers,
- Temporary or permanent mooring facilities for motor powered boats and jet skis (refer to item 1(u))
- Any launching facility for motor powered boats and jet skis (refer to item 1(u));
- Any walls, fences; bunds or permanent structures related to safety measures;
- Perimeter walls or fences;
- Facilities for the storage of fuel including pipelines and tanks;
- Any fuelling station.

### INCLUSIONS:

- i) Any outdoor road or track constructed for the racing of motorcars, trucks, motorcycles or quad bikes.
- ii) Any jetties and permanent anchoring structures (e.g. buoys) for powered racing of boats and jet skis.
- iii) Permanent or temporary facilities for organized events (e.g. “once off” motorcycle races).

### NOT INCLUDED:

- i) Off-road routes (4X4 routes) used for recreational purposes.
- ii) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.
- iii) Provision of additional infrastructure, buildings (e.g. offices) provided that this is not defined as an expansion of the existing facilities.

### GENERAL NOTES:

- Consider the requirements of the -
  - Noise Regulations;
  - Off-road vehicle regulations.
- The construction of a facility, whether temporary or permanent, for the purpose of racing motor powered vehicles

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 1 (k) – construction of pipelines for water
- 1(v) – advertising signs
- 4 – excavation, infilling, removal or moving of soil, sand or rock exceeding 5m<sup>3</sup>
- 5 – removal or damaging of indigenous vegetation of more than 10m<sup>2</sup> within 100 metres inland of the high-water mark of the sea
- 6 – excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10m<sup>2</sup> within a 100 metres inland of the high-water mark of the sea
- 7 – facilities for above storage of dangerous goods
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more;
- 15 – construction of roads
- 17 - phased development.

GN no. R. 387 of 2006, item -

- 3 – filling stations

### 1(t)

**The construction of facilities or infrastructure, including associated structures or infrastructure, for marinas and the launching of watercraft on inland fresh water systems.**

### INTERPRETATION:

“**marina**” means a harbour for small boats (source: *Oxford Dictionary*).

Structure or infrastructure, associated with the facility applied for, include *inter alia*:

- Access roads, parking areas

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- Bulk services (e.g. electricity supply, sewerage system)
- Ablution facilities
- Recreational facilities
- Floating buoys or other floating structures on a water body;
- Fuel storage facilities.

### INCLUSIONS:

- i) Residential, commercial and other components associated with a marina.
- ii) Facilities that will provide -
  - access to open waters beyond the shoreline of the inland water system (e.g fixed or floating jetties and slipways);
  - for the mooring, repair, loading and offloading of watercraft;
  - for the protection of the shoreline of the inland water system from erosion;
  - amenity facilities for people (e.g. ablution facilities).

### NOT INCLUDED:

- i) Routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.
- ii) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of existing facilities
- iii) Coastal marinas and coastal harbours, which are listed as item 9 in GN no. R.386 of 2006.

### GENERAL NOTES:

- This activity specifically refers to inland waters and therefore excludes coastal systems such as estuaries, and lagoons.
- Consider the following -
  - Relevant DEA&DP guidelines and policies e.g. WCPSDF and Urban Edge policy.
  - Requirements of the National Water Act, 1998 (Act no. 36 of 1998)
  - Requirements of the Provincial Coastal Zone Policy
  - Requirements of the National Coastal Management Bill.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, item -

- 1 (k) – pipelines for water
- 1(v) – Advertising signs
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 4 – dredging ...moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland
- 5 – damaging indigenous vegetation of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 15 – construction of roads
- 16 – transformation of vacant undeveloped land
- 17 - phased development.

GN no. R.386 of 2006, item -

- 2 – any development activity of 20ha or more

### 1(u)

**The construction of facilities or infrastructure, including associated structures or infrastructure, for above ground cableways and funiculars.**

### INTERPRETATION:

“**above-ground cable way**” for the purpose of this guideline is understood to refer to an above-ground structure with cable-cars that are drawn by a cable by means of a stationary engine.

“**funicular**” for the purpose of this guideline is understood to refer to a cable railway on the ground, worked by a cable and such facility will be associated with a commercial or industrial use.



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

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Structure or infrastructure, associated with the facility applied for, include *inter alia*:

- Access roads, parking areas
- Bulk services (e.g. electricity supply, sewerage)
- Structures for maintenance and repair
- Administration buildings
- Ablution facilities
- Recreational facilities
- Commercial facilities
- Restaurant facilities
- Associated pathways and hardened surfaces
- Cars or carriages

### INCLUSIONS:

- i) Above-ground cable ways, pylons as well as the arrival and departure facilities.
- ii) Cable ways, pylons as well as the arrival and departure facilities.
- iii) Structures for maintenance and repair

### NOT INCLUDED:

- i) Routine maintenance activities or the replacement of defunct equipment with new equipment.
- ii) Provision of additional buildings (e.g. offices) provided that this is not related to increasing the capacity of existing facilities;
- iii) Funiculars for domestic purposes.

### GENERAL NOTES:

Consider the relevant DEA&DP guidelines and policies e.g. WCPSDF and Urban Edge policy.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 1(d) – resorts, lodges, hotels or other tourism and hospitality facilities in a protected area;
- 1(v) – advertising signs;
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – construction of roads; and
- 16 – transformation of undeveloped, vacant or derelict land.

### 1(v)

**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**

### INTERPRETATION:

#### Note:

- The Department of Environmental Affairs and Development Planning does not endorse any products, services or enterprises illustrated in the photographs contained in this guideline. The advertisements and signs photographed were chosen only because they were considered to be representative examples to illustrate the different sign types. (Photographs by Francois Naudé unless mentioned otherwise).
- The description of the respective classes of advertisements and signs (*viz* class 1(a), 1(b), 1(c), 3(a), 3(b), 3(l)) hereunder, are from the South African Manual for Outdoor Advertising Control. This manual can be viewed at URL - [http://www.environment.gov.za/documents/documents/samoac\\_index.htm](http://www.environment.gov.za/documents/documents/samoac_index.htm) or is available from:  
The Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism  
Private Bag X447  
Pretoria  
0001

**1(a): Super billboards:** Massive electronic billboards between 40 m<sup>2</sup> and 81 m<sup>2</sup>

**1(b): Custom-made billboards:** Consist of custom-made billboards between 8 m<sup>2</sup> and 81m<sup>2</sup> which feature special Effects such as internal illumination, specialist character cut-outs and three-dimensional presentations.



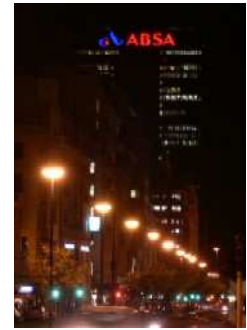
## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

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**1(c): Large billboards:** Large billboards range in size from 36 m<sup>2</sup> to 18 m<sup>2</sup> with 3 m x 12 m and 3 m x 6 m as the most popular formats (commonly known as 96 sheet and 48 sheet signs). Large billboards are a widely used outdoor advertising medium, generally paper-posted, but also sign written, posted with vinyl or with a combination of all three.



**3(a): Sky signs:** Consist of very large signs ranging from 75 m<sup>2</sup> to 300 m<sup>2</sup> on top of tall skyscrapers in metropolitan areas and may form very important landmarks in such urban areas.



**3(b): Roof signs:** Consist of signs on the main roofs of buildings lower than 15 floors which are used to some extent for commercial, industrial or entertainment purposes

**3(l): Advertising on towers, bridges and pylons:** Advertising by means of signs affixed to or painted on towers, bridges and pylons not used primarily for advertising purposes. Included here are signs on cellular telephone base station towers, water towers, radio towers, silos and similar structures.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

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### INCLUSIONS:

- i) Any structure constructed for the purpose of advertising as specified in the classes mentioned.

### NOT INCLUDED:

### GENERAL NOTES:

- Must consider the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, and the sign must comply with the South African Manual for Outdoor Advertising Control (SAMOAC)
- Advertising signs could be part of a new development that is already captured in terms of another listed activities or it can be linked to existing developments.

### 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.**

### INTERPRETATION:

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

### INCLUSIONS:

- i) planting of vegetation specifically to prevent the free movement of sand
- ii) any structures that will prevent the free movement of sand or erosion and accretion, *inter alia*:
  - stabilising walls, gabions
  - sleeping revetments
  - breakwaters

### NOT INCLUDED:

### GENERAL NOTES:

- Input from a coastal system specialist should be submitted to DEA&DP to assist with the evaluation of applications for this activity.
- This activity is therefore also applicable on areas 100m inland of tidal rivers and estuaries.
- Consider the requirements of the
  - Provincial Coastal Spatial Policy
  - National Coastal Management Bill
  - Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) if mining activities are involved.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 5 – damaging indigenous vegetation of more than 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more than 10m<sup>2</sup> within 100m of the high water mark of the sea
- 12 – regarding transformation or removal of indigenous vegetation of 3 ha or more;

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

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- 16 – transformation of vacant undeveloped land

GN no. R.387 of 2006, items –

- 10 – any process or activity identified in terms of NEM:BA

### 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.**

#### INTERPRETATION:

“**floodplain**” for the purpose of this guideline is understood to refer to an area of low lying ground adjacent to a river that is within the one in fifty (1:50) year floodline and has not been transformed.

“**river**” for the purpose of this guideline is understood to refer to a natural channel in which water flows regularly or intermittently and includes the riverbed and its banks.

#### INCLUSIONS:

- i) The construction of in-stream dams of any capacity provided that more than 5 cubic metres of material are to be excavated.
- ii) Excavation of more than 5 cubic metres of material within the floodplain (e.g. below the 1:50 year floodline) for the purpose of a dam.
- iii) Includes the execution of annual maintenance activities in rivers to prevent them from silting up and to mechanically remove pebbles, shingle, or gravel stone, alien vegetation for flood remediation purposes, that requires more than 5 cubic metres of soil to be moved.
- iv) Mechanical removal of alien vegetation in river systems that disturbs the riverbanks, or riverbed that will result in more than 5 cubic metres of soil being moved.
- v) Wetland will *inter alia* include:
  - Manmade and natural water features that according to the competent authority, fulfil an important functional or conservation purpose will be considered to conform to the definition of a wetland.
  - Sponge areas, normally at the headland of rivers. Sponges: high altitude wetlands that occur at the sources of rivers
  - Bogs: permanently wet marshes dominated by peat mosses which impart ‘humic’ organics to the water.
  - Swamps: wetlands with trees
  - Marshes: tracts of spongy land that support low-growing macrophytes like reeds and sedges.
  - Tidal salt marshes : Occur in estuaries
  - Pan: A closed basin that collects rainwater. Any large flat sediment-filled depression that holds water after rain.
  - Floodplain lakes.

#### NOT INCLUDED:

- i) Ephemeral water bodies that do not meet the definition of a wetland (i.e. does not fulfil any significant natural or conservational purpose)
- ii) Does not include maintenance of dams or impoundments (removal of silt/sediment) that does not increase the capacity of the dam or impoundments.
- iii) General maintenance, as well as maintenance as a result of disaster events, of existing infrastructure (e.g. roads) below the 1:50 year floodline.
- iv) Dredging, excavation, infilling, removal or moving of soil, sand or rock on existing cultivated areas that fall within the 1:50 year floodline.
- v) Excavation or moving of soil, sand or rock in areas associated with existing residential or industrial use that fall within the 1:50 year floodline.

#### GENERAL NOTES:

- For the purpose of these guidelines *the high-water mark* is understood to include tidal lagoons and tidal rivers and in the case of an estuary, it must be determined when the estuary is open to the sea. The high-water mark for tidal rivers (i.e. the point to which the tidal influence of the sea is evident) must be determined on a case-by-case basis. Consider the applicability and requirements of the National Water Act, 1998 (Act no 36 of 1998)
- Consider the requirements and or applicability of the
  - Sea Shore Act, 1935 (Act No. 21 of 1935) if the activity is to take place in tidal rivers;
  - National Coastal Management Bill;
  - DEA&DP Coastal Zone Policy

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

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- Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) if mining activities are involved.
- CARA and whether the inclusions above conflict with the requirements of CARA
- The disposal of the material in the case of dredging or excavating activities should be considered in the assessment of the application.
- Two types of pans occur in southern Africa, firstly, terminal waterbodies of endorheic or inwardly-draining drainage systems in arid areas e.g. the pan system of the Kenhardt district of the North West province. The second kind of pan is the floodplain pan. These are depressions along river banks that retain part of the flood waters sometimes for long periods eg. the pans of the floodplain of the Berg River in the south-western Cape. If they hold water permanently they could be referred to as floodplain lakes
- The execution of annual maintenance activities in rivers to prevent them from silting up and to mechanically remove boulders/pebbles, alien vegetation for flood remediation purposes is listed, however can be considered by DEA&DP once off, should the applicant stay within the prescripts of an authorisation.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items –

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 5 – damaging indigenous vegetation of more than 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more than 10m<sup>2</sup> within 100m of the high water mark of the sea
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 15 – construction of roads
- 16 – transformation of vacant undeveloped land
- 17 - phased development.

GN no. R.387 of 2006, items –

- 2 – any development of 20 ha or more;
- 9 – earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea.

### 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.**

#### INTERPRETATION:

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

“**indigenous vegetation**” refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless the level of alien infestation.

“**indigenous species**” means a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Republic, but excludes a species that has been introduced in the Republic as a result of human activity (source: NEM:BA).

“**alien species**” means—

- (a) a species that is not an indigenous species; or
- (b) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention; (source NEM:BA)

#### INCLUSIONS:

- i) Vegetation that occurs on land within 100m of the high water mark of the sea, that has not been developed or cultivated in the last 10 years, regardless of the levels of alien vegetation infestation or degradation through overgrazing.
- ii) Damaging indigenous vegetation, within a distance of 100 metres inland of the high-water mark of the sea, of more than 10m<sup>2</sup>.

#### NOT INCLUDED:

- i) The removal of exotic or alien species is excluded.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

### GENERAL NOTES:

- For the purpose of these guidelines the high-water mark is understood to include tidal lagoons and tidal rivers and in the case of an estuary, it must be determined when the estuary is open to the sea. The high-water mark for tidal rivers (i.e. the point to which the tidal influence of the sea is evident) must be determined on a case-by-case basis.
- For the purpose of this guideline areas that have not been disturbed or cultivated within the past 10 years will be regarded as indigenous regardless of the level of infestation of alien species (e.g. fallow agricultural land).
- Consider the requirements of *inter alia*, the –
  - The Coastal Management Bill
  - DEA&DP Coastal Zone Policy
  - National Environmental Management: Biodiversity Act, 2004 (Act no. 10 of 2004) (“NEM:BA”)
  - Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) if mining activities are involved.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 4 – dredging ....moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland
- 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 17 - phased development.

GN no. R.387 of 2006, items –

- 2 – any development of 20 ha or more;
- 9 – earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea.

### 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.**

### INTERPRETATION:

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

### INCLUSIONS:

- i) Off-shore diamond-mining activities
- ii) Reshaping of the natural topography to create facilities for human use (e.g. sport fields),
- iii) Infrastructure which is erected/constructed (especially in the inter-tidal zone), e.g. wells, pump stations, pipelines
- iv) Trolling activities in the sea that disturb the sea-bed.
- v) Commercial earthmoving operations that exceed an area of 10m<sup>2</sup> that disturb the natural profile of the beach (e.g. temporary cofferdams used during diamond mining activities).
- vi) Construction of roads.

### NOT INCLUDED:

- i) Temporary structures linked to specific recreational events (e.g. temporary pavilion on the beach for a sports event).
- ii) Recreation activities on public beaches (e.g. building sand castles)

### GENERAL NOTES:

- The high water mark should include tidal lagoons and tidal rivers and in the case of an estuary, it must be determined when the estuary is open to the sea. The high water mark for tidal rivers (i.e. the point to which the tidal influence of the sea is evident) must be determined on a case-by-case basis.
- Consider the requirements of *inter alia*, the -



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- Sea Shore Act, 1935 (Act No. 21 of 1935)
- Provincial Coastal Zone Policy
- National Coastal Management Bill
- Sea Fisheries Act
- Mineral & Petroleum Resources Development Act of 2002 (Act No. 28 of 2002) if mining activities are involved.
- NEMA ORV Regulations.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items - 2,

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 4 – dredging ....moving soil, rock of more than 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland
- 5 - removal or damaging indigenous vegetation of more than 10m<sup>2</sup> within 100 metres inland of the high-water mark of the sea.
- 9 - mining
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 17 - phased development.

GN no. R.387 of 2006, item -

- 2 – any development of 20 ha or more;
- 9 – earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea.

10

### The establishment of cemeteries

#### INTERPRETATION:

“**cemeteries**” means a place for the burial of the dead (human beings), a large park-like enclosure laid out and kept for purposes of internment”.

Structure or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, maintenance roads, parking areas etc.);
- Built infrastructure (e.g. administration buildings; ablution facilities; maintenance buildings);
- Services (water, electricity supply, sewerage etc.);
- Fences e.g. perimeter fences.

#### INCLUSIONS:

- i) All new cemeteries.

#### NOT INCLUDED:

- i) Church yard and farm yard cemeteries (e.g. family cemeteries on a farm)
- ii) A remembrance wall containing human ashes
- iii) Expansion of existing cemeteries.

#### GENERAL NOTES:

- Consider the applicability and requirements of the National Water Act, 1998 (Act no 36 of 1998). Note that cemeteries require a DWAF permit in this regard.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, item -

- 12 – Transformation of indigenous vegetation of 3 ha

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- 15 – construction of roads

GN no. R.387 of 2006, item

- 1(q) – incinerators, cremation of human or animal tissue

### 11

**The decommissioning of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of more than 10 hectares.**

#### INTERPRETATION:

“**decommissioning**” for the purpose of this activity means to take out of active service, closure of a facility and to cease utilisation.

#### INCLUSIONS:

- A dam should be required to be decommissioned in the following cases:
  - abandonment of a dam in terms of the NWA;
  - where a permit has to be issued for the abandonment of a dam or will be deemed to have a safety risk in terms of the NWA and will be abandoned;
  - Where a dam will be replaced by any other development e.g. housing development.
  - Silting up of in-stream dams causing the abandonment of such a dam.
  - Any dam (wall) damaged or transformed to such an extent that it cannot fulfil its purpose.
- Decommissioning of the dam will *inter alia* include:
  - Demolition or removal of the dam
  - Disposal of dam material, silt, plant material.
  - Disposal of construction material and the rehabilitation of the site.
- Rehabilitation of denuded areas previously inundated by water.

#### NOT INCLUDED:

#### GENERAL NOTES:

- Consider the applicability and requirements of the National Water Act, 1998 (Act no 36 of 1998) (NWA Chapter 12: Safety of Dams Section 117(e), section 121 regarding the safety risk of dams and the abandonment thereof.
- Consider the safety risk of the dam.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 12 – Transformation of indigenous vegetation of 3 ha

### 12

**The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).**

#### INTERPRETATION:

“**indigenous vegetation**” refers to vegetation consisting of indigenous plant species occurring naturally in an area and may include endemic species to that area.

“**indigenous species**” means a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Republic, but excludes a species that has been introduced in the Republic as a result of human activity;

“**alien specie**” means—

- a species that is not an indigenous species; or
- an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention; (NEM:BA)



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

“**transformation**” for the purpose of this guideline means physically altering the appearance, function or current use.

### Note that :

- in determining the threshold of 3 hectares, the transformation or removal of vegetation preceding the date of commencement of *the regulations* will not be taken into consideration (e.g. 3 July 2006).
- At the time of commencement of the listed activities (3 July 2006), no area has been identified in terms section 52 of the Biodiversity Act. The second part of this activity will therefore only come into force once endangered or critically endangered ecosystem is listed in terms of the said Act.

### INCLUSIONS:

- i) Transformation or removal of indigenous vegetation on land that has been transformed more than 10 years ago, on which indigenous vegetation occurs.
- ii) In terms of Activity 17, any phased transformation or removal of indigenous vegetation is included unless removed before 3 July 2006.
- iii) Firebreaks in cases where indigenous vegetation is transformation or removed e.g. bulldozing and brush-cutting.
- iv) Roads or tracks that require the removal or transformation of indigenous vegetation e.g. dual track (“tweespoor paaie”).

### NOT INCLUDED:

- i) Vegetation on fallow agricultural fields that have been cultivated within the past 10 years.

### GENERAL NOTES:

- For the purpose of this guideline areas that have not been disturbed or cultivated for the past 10 years will be regarded as indigenous regardless of the level of infestation of alien species.
- This activity refers to any additional area of 3 ha, regardless of any part of the property which may have been transformed prior to the commencement date of the NEMA EIA regulations. Therefore, it implies that in cases where more that 3 ha of a property has been transformed in the past, any additional small transformation will not be listed based on the implications of Activity 17 related to phased development).
- Consider the applicability and requirements of the -
  - NEM:BA;
  - National Water Act, 1998 (Act no 36 of 1998) if water abstraction or the construction of dams are applicable;
  - CARA, for new agricultural fields;
  - National Veld and Forest Act, 1998 - regarding firebreaks.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 4 – dredging ....moving soil, rock of more that 5m<sup>3</sup> from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland
- 5 – damaging indigenous vegetation of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more that 10m<sup>2</sup> within 100m of the high water mark of the sea
- 13 – abstraction of groundwater
- 16 – transformation of undeveloped, vacant or derelict land

GN no. R.387 of 2006, items –

- 2 – any development of 20 ha or more;
- 6 - construction of a dam where the high-water mark of the dam covers an area of 10 ha or more
- 8 – mining

### 13

**The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.**

### INTERPRETATION:

“**abstraction of groundwater**” for the purpose of this guideline means taking water from a groundwater resource.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

**“general authorisation”** In terms of the National Water Act, Act 36 of 1998, General Authorisations specify a range of groundwater abstraction volumes (cubic metres per hectare) that would not require a license in terms of this act as it is deemed to have a minimal impact on the water resource. In arriving at this range DWAF have considered water rights, SA’s rainfall variability and the inter-relationships of water in terms of the hydrological cycle.

### Note –

- Refer to the relevant Government Notice for information on Groundwater Taking Zones [at the time of compiling this guideline - Government Notice 26187 dated 26 March 2004 contained the *Revision of General Authorisations* in terms of Section 39 of the National Water Act, 1998 (Act no. 36 of 1998)]. The Department of Water Affairs and Forestry can be contacted to obtain information and maps on the Groundwater Taking Zones.
- The General Authorisations specified ranges of groundwater abstraction volumes exclude abstraction by small industrial users.

### INCLUSIONS:

### NOT INCLUDED:

- i) Any surface water abstractions, e.g. abstraction of seawater for desalination.
- ii) Abstraction of less than 20 cubic metres per day, by small industrial users
- iii) Abstraction in line with Schedule 1–uses as contained in the National Water Act, 1998.
- iv) Reconnaissance activities (e.g. layout of a reconnaissance grid, construction of roads or tracks, drilling) associated with the abstraction of groundwater. Important: reconnaissance for groundwater abstraction can however trigger any other applicable activity. The application for such an applicable activity must be authorised and any conditions imposed therein fulfilled, prior to any groundwater abstraction taking place.

### GENERAL NOTES:

- To determine if a particular rate of abstraction constitutes a listed activity, the rate of abstraction (threshold) must be compared to that reflected for every catchment area. For this purpose, consult the relevant Government Notice on the General Authorisations in terms of Section 39 of the National Water Act, 1998 (Act no. 36 of 1998). Specifically consider the table on Groundwater Taking Zones: Quaternary Drainage Regions and the associated maps.
- The scientific information gathered / used during the reconnaissance work must be used during the investigation of the application to inform the impacts and concerns related to the activity (e.g. groundwater abstraction).
- Abstraction of ground water in terms of the general authorisation is normally linked to the establishment of new agricultural fields. In such cases consider the applicability of relevant activities and the provision of CARA.
- The General Authorisations specified ranges of groundwater abstraction volumes exclude abstraction by small industrial users. For the purpose of this guideline “*small industrial users*” refer to water users who qualify as work creating enterprises that do not use more than twenty cubic metres (20 000m<sup>3</sup>) per day and are identified in the Standard Industrial Classification of All Economic Activities (5th edition), published by the Central Statistics Service, 1993, as amended and supplemented, under the following categories:-
  - food processing
  - prospecting, mining and quarrying;
  - manufacturing;
  - construction;

(Source: Government Notice 26187 dated 26 March 2004 - Revision of General Authorisations)

- Section 39 of the National Water Act, 1998 (Act no. 36 of 1998)).
- The General Authorisations specified ranges of groundwater abstraction volumes exclude abstraction that is in line with Schedule 1 of the National Water Act, 1998 (Act no. 36 of 1998). In terms of Schedule 1, with regards to ground water abstraction, a person may:
  - Take water for reasonable domestic use in that person’s household, directly from any resource to which the person has lawful access,
  - Take water for the use on land owned or occupied by that person, for –
  - reasonable domestic use;
  - Small gardening not for commercial purposes, and
  - The watering of animals (excluding feedlots) which graze on that land within the grazing capacity of that land.....

(Source: Schedule 1 of the National Water Act, 1998 (Act no. 36 of 1998)).

The applicability of the following Activities that should be considered include *inter alia*:

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

GN no. R.386 of 2006, item -

- 1 (k) – pipelines for water
- 12 - regarding transformation or removal of indigenous vegetation of 3 ha or more
- 1 (n) – off-stream storage of water of 50 000 cubic metres

GN no. R.387 of 2006, item -

- 1(n) - transfer of 20 000m<sup>3</sup> or more water between water catchments or impoundments per day.

### 14

**The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding:**

- a) masts of 15 metres and lower exclusively used
  - (i) by radio amateurs; or
  - (ii) for lighting purposes
- (b) flag poles and lightning conductor poles

#### INTERPRETATION:

Note that applicability of this activity is triggered by the mast and not the communication equipment or technology necessarily.

“**telecommunication**”: for the purpose of this guideline is understood to refer to “communication over a distance by cable, telegraph, telephone, or broadcasting” (source: *Oxford Dictionary*).

“**mast**” for the purpose of this guideline is understood to refer to a single tall, sturdy, upright structure of any material or type, used as a support for equipment.

Structure or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

#### INCLUSIONS:

- i) All cell masts and associated infrastructure.
- ii) Lighting structures taller than 15 metres (measured from ground level to the highest point of the mast).
- iii) Any expansion or upgrade of a mast.
- iv) Wind generators with an electricity output of less than 10MW.

#### NOT INCLUDED:

- i) Attachment of telecommunication equipment to existing structures without the construction of a mast.
- ii) Masts that form part of linear infrastructure that are connected with overhead cables (e.g. electricity transmission lines, telephone lines).
- iii) Masts of 15 metres and lower, not associated with telecommunication broadcasting, radio transmission or lighting.

#### GENERAL NOTES:

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 12 - transformation or removal of indigenous vegetation (of any size within a critically endangered or an endangered ecosystem)
- 15 – construction of roads

### 15

**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.**

#### INTERPRETATION:

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

**“road”** for the purpose of this activity refers to a prepared surface for vehicles (including the shoulder of the road), and associated structures.

**“road reserve”** for the purpose of this guideline means a portion of land reserved for the construction of a road and associated structures. The reserve refers to a certain width from the middle of the route alignment of the road.

Structures or infrastructure necessary for the undertaking of the activity, associated with the facility applied for, include *inter alia*:

- drainage gullies
- culverts,
- turning lanes and traffic circles;
- bridges, pedestrian bridges,
- non-motorised infrastructure (e.g. pedestrian and cycle lanes);
- lighting,
- parking areas;
- safety railing; and
- road calming measures

### INCLUSIONS:

- i) Any expansion or upgrade of an existing road that increases the transportation capacity of the road, *inter alia*:
- Addition of lanes
  - Intersections requiring the addition of additional lanes

### NOT INCLUDED:

- i) General maintenance, as well as maintenance as a result of disaster events, of existing infrastructure and associated infrastructure (e.g. roads below the 1:50 year floodline).
- ii) Upgrade or addition of infrastructures associated with the activity, such as culverts, bridges, pedestrian bridges, lightning, parking areas and safety railing provided that this does not result in an expansion of the existing road.
- iii) Hardening of the road e.g. tarring of the surface of a road.

### GENERAL NOTES:

- The road reserve makes provision for the construction of a prepared surface area, the shoulder of the road, the drainage gully as well as associated structures. The width of the road reserve is measured from the centre of the road. This implies that there is a portion of the reserve on both sides from the centre of the road e.g. 3m plus 3m, creating a 6metre wide corridor or road reserve. Roads can be built within the 6m corridor and do not necessarily result in a symmetrical location within the corridor.
- Maintenance or repair of roads and associated structures required as a result of disaster events (e.g. flooding events) is not regarded as a listed if it does not result in an expansion of such roads.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items -

- 1(m) – structures in the 1:10 year floodline;
- 4 – moving of 5m<sup>3</sup> of substrate in a wetland;
- 12 - transformation or removal of indigenous vegetation of 3ha or of any size within a critically endangered or an endangered ecosystem;

## 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**

### INTERPRETATION:

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

### INCLUSIONS:

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

With specific reference to existing activities or facilities constructed prior to 3 July 2006 that do not meet the relevant threshold value include *inter alia* –

The expansion or extension of facilities or structures for -

- i) the slaughter of animals to allow for an annual throughput of 10 000kg or more (refer to item 1(g) of GN. 386);
- ii) the concentration of animals for the purpose of commercial production in densities that exceed the respective threshold values contained in item 1(h) of GN. 386;
- iii) aquaculture production, including mariculture and algae farms, to allow for a product throughput of 10 000 kilograms or more per year (refer to item 1(i) of GN. 386);
- iv) the bulk transportation of sewage and water, including storm water, in pipelines or channels to allow for a peak throughput of 120 litres per second or more (refer to item 1(k) of GN. 386);
- v) the recycling, re-use, handling, temporary storage or treatment of general waste to allow for a throughput capacity of
  - o 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 (refer to item 1(o) of GN. 386), or
  - o 50 tons or more daily average measured over a period of 30 days (refer to item 1(f) of GN. 387)
- vi) the treatment of effluent, wastewater or sewage to allow for an annual throughput capacity of
  - o more than 2 000 cubic metres but less than 15 000 cubic metres (refer to item 1(s) of GN. 386), or
  - o 15 000 cubic metres or more (refer to item 1(p) of GN. 387);
- vii) the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers to allow for a combined capacity of –
  - o more than 30 cubic metres but less than 1 000 cubic metres at any one location or site (refer to item 7 of GN. 386); or
  - o 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 (refer to item 1(c) of GN. 387)
- viii) the bulk transportation of dangerous goods using pipelines, funiculars or conveyors to allow for a throughput capacity of 50 tons or 50 cubic metres or more per day (refer to item 1(j) of GN. 387);
- ix) the generation of electricity where the elements of the facility will cover a combined area in excess of 1 hectare (refer to item 1(a) of GN. 387).
- x) 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 (refer to item 13 of GN. 386)

### NOT INCLUDED:

- i) Activities that should not be captured by this activity include a phase of *any* relevant development approved in terms of ECA prior to 3 July 2006;
- ii) The establishment of cemeteries

With specific reference to existing activities or facilities constructed prior to 3 July 2006 that meet the relevant threshold value include *inter alia* -

- i) Earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea (refer to item 2 of GN. 386)
- ii) 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 item 3 GN. 386
- iii) 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 (refer to item 4 of GN. 386)
- iv) 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 (refer to item 5 of GN. 386);
- v) 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 (refer to item 6 of GN. 386);
- vi) 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 (refer to item 12 of GN. 386);
- vii) The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres or which are access roads of less than 30 metres long (refer to item 15 of GN. 386).

### GENERAL NOTES:

- This activity is relevant in all instances where activities with thresholds are triggered.
- Impacts related to all infrastructures associated with the activity, such as roads, water and power supply should be considered.

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- Consider the applicability of LUPO.
- Authorities to be consulted depends on the type of activity that is triggered through phased development.
- Examples:
  - Phased developments for large scale residential, mixed, retail, commercial, industrial or institutional use , A first phase residential infill development comprises 4ha and the second phase will cover an additional 2ha. The second phase exceeds the threshold of 5ha referred to in item 16 of GN. 386 and therefore a Basic Assessment must be undertaken.

### 18

**The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.**

#### INTERPRETATION:

“**subdivision of land**” for the purpose of this guideline is understood to refer to the subdivision of land where an application must be submitted that will allow for the subdivision of the land in terms of the relevant legislation *inter alia* Act 70 of 1970 and LUPO.

#### INCLUSIONS:

- i) Development activities (primary development rights or enhanced rights) proposed on the subdivided area.
- ii) Applications for sub-division or sub-divisional area in terms of the LUPO.
- iii) Applications for sub-division in terms of Act 70 of 1970.

#### NOT INCLUDED:

Subdivisions that take place in line with a development proposal already authorized in terms of the EIA regulations.

#### GENERAL NOTES:

- The environmental implication of this activity is not related to the administrative action of subdivision, but the impacts related to the intended use of the subdivided land units. In addition, the cumulative impacts associated with the application for additional land use rights on the subdivided property must be assessed as part of the subdivision application (part of need and desirability of the subdivision to be provided by the applicant).
- The agricultural potential of the land to be subdivided should also be considered.
- This activity makes no distinction between areas inside or outside the urban edge.
- Consider the applicability of the LUPO.

### 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.**

#### INTERPRETATION:

“**transformation**” for the purpose of this guideline means physically altering the appearance, function or current use.

#### Note: -

- This activity refers to facilities (and associated infrastructure) that were not necessarily used for manufacturing processes, warehousing, bottling, packaging, or storage purposes, however will be transformed to be utilised for such purposes.
- The surface area of 1000 square metres includes the facility as well as all structures or infrastructures associated with the activity, such as parking areas etc.

#### INCLUSIONS:

- i) Any enterprise which includes facilities for manufacturing processes, warehousing, bottling, packaging, or



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- storage;
- ii) Composting facilities
- iii) Brick manufacturing facilities

### NOT INCLUDED:

- i) The storage, and packaging of primary agricultural products that do not require an appropriate industrial zoning (e.g. Agriculture Zone II).

### GENERAL NOTES:

- Transformation of an existing facility (e.g. for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage) to any one of the other facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage. e.g. warehouse, shed to a winery and Shed to a bottling processing plant
- Consider the applicability or requirements of the -
  - LUPO.
  - National Water Act, 1998 (Act no 36 of 1998) if water abstraction is applicable for water bottling facilities.

The applicability of the following Activities that should be considered, include *inter alia*:

GN no. R.386 of 2006, items –

- 1(j) – agri-industries
- 12 – transformation of indigenous vegetation of 3 ha
- 13 – abstraction of groundwater
- 16 – transformation of undeveloped land
- 17 – phase development
- 18 – subdivision of land

## 20

**The transformation of an area zoned for use as public open space or for a conservation purpose to another use.**

### INTERPRETATION:

“**transformation**” for the purpose of this guideline means physically altering the appearance, function or current use.

Therefore, transformation as related to this activity should be interpreted to refer to a change of zoning, as well as a change in use normally considered to be consistent with a open space zoning, or related conservation zoning.

“**zoning**” according to LUPO, when used as a noun, means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in the respect of the said category of directions, as determined by relevant scheme regulations.

### INCLUSIONS:

- i) All land zoned for public open space (e.g. zoned Open Space I);
- ii) Land zoned for conservation purpose, *inter alia* zoned Open Space III, provincial nature reserves and national parks etc.)
- iii) The transformation of an area zoned for use as public open space to a different physical use that is not consistent with the zoning (e.g. closure of public park within a private garden)

### NOT INCLUDED:

- i) All areas designated for conservation purposes in strategic planning documents, without a formal conservation zoning.
- ii) Declared Mountain Catchment Areas (MCAs) (unless zoned specifically for conservation purposes and areas informally managed for conservation purposes - most MCAs have an agricultural zoning.
- iii) Core areas of biosphere reserves
- iv) Protected Natural Environment (PNE)
- v) RAMSAR sites
- vi) World Heritage Sites

### GENERAL NOTES:

- Consider the applicability of the –



## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- Scheme Regulation in terms of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985).
- local Spatial Development Framework.

The applicability of the following Activities that should be considered, include *inter alia*:

GN no. R.386 of 2006, items –

- 12 – transformation of indigenous vegetation of 3 ha
- 16 – transformation of undeveloped land
- 18 - subdivisions

GN no. R.387 of 2006, item -

- 2 – any development of 20 ha or more

### 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).**

#### INTERPRETATION:

A permit is required under the Genetically Modified Organisms Act, 1997 (Act 15 of 1997) for the trial release or general release of genetically modified organisms. In terms of the GMOA (Section 5) the Executive Council of Genetically Modified Organisms may require any applicant to submit a risk assessment, “*and where required an assessment on the impact on the environment...*”. For the purpose of this activity the release of genetically modified organisms refer to instances where such organisms are released for the first time in South Africa and requires an assessment in terms of the GMOA or NEM:BA. “Release” is understood to refer to general release, trial release as well as commercial release is regarded as the same as general release.

“**general release**” according to the GMOA, means the introduction of genetically modified organisms into the environment by whatever means, where the organisms are no longer contained by any system of barriers and are no longer under any person’s control, so that the organism is likely to survive and be disseminated;

“**genetically modified organism**” according to the GMOA, means an organism the genes or genetic material of which has been modified in a way that does not occur naturally through mating or natural recombination or both, and ‘genetic modification’ shall have a corresponding meaning;

“**organism**” according to the GMOA, means a biological entity, cellular or non-cellular, capable of metabolism, replication, reproduction or of transferring genetic material and includes a micro-organism;

“**trial release**” according to the GMOA, means the deliberate release of genetically modified organisms into the environment in the open under conditions where the degree of dissemination of the genetically modified organisms is limited by chemical or physical barriers or by built-in barriers which prevent the survival of such organisms in the environment”.

#### GENERAL NOTES:

- Clear distinction must be drawn between GMO and a process improving the genetic composition by means of natural selection, the latter is not regarded as a listed activity
- If a GMO has been cleared for commercial release it may be used in any province.
- Regulations (GN. No. R.1420 of 26 November 1999) have been promulgated under the Genetically Modified Organisms Act, 1997. *The regulations* provide for time frames for the issuing of permits, e.g. 90 days for trial release of genetically modified organisms and 180 days for the general release and marketing of genetically modified organisms. Application forms can be obtained from the Directorate of Genetic Resources of the Department of Agriculture.
- For more information on *general release* and *trial release*, contact the Directorate Genetically resources of the National Department of Agriculture.

### 22

**The release of any organism outside its natural area of distribution that is to be used for biological pest control.**

#### INTERPRETATION:

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

For the purpose of this activity is understood to refer to instances where a biological control agent is lawfully released in the Western Cape Province, unless it was lawfully South Africa or the for the first time .

### INCLUDED:

The release of biological control agent in South Africa for the first time.

### NOT INCLUDED:

Releases of the agents after its initial release have been authorised.

### GENERAL NOTES:

- In most instances the release of biological control agents (its initial release in South Africa) constitute an issue of national interest. In terms of Section 22c of NEMA, such applications should be referred to DEAT.
- Regulations will be promulgated under the National Biodiversity Management: Biodiversity Act, 2004 (Act 10 of 2004) to deal with Biological Control Research, the establishment and duties of a National Biological Control Review Panel (NBCRP) and protocols for importation and release of Biological Control Agents. The aim is to improve governance and institutional arrangements and address the overlap between various legislation, including the Agricultural Pest Act (1983), CARA Regulations, Animal Health Act, Plant Registration Act etc.
- The application must also be referred to the National Biological Control Review Panel (NBCRP), if such a panel has been established (and the option of the panel to select at least three anonymous referees to evaluation the application in terms of the draft regulations that have been drafted under the National Biodiversity Management: Biodiversity Act, 2004 (Act 10 of 2004))

## 23

**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, for –**

- (a) electricity generation;
- (b) nuclear reactors and storage of nuclear fuel;
- (c) industrial activities where the facility or the land on which it is located is contaminated or has the potential to be contaminated by any material which may place a restriction on the potential to re-use the site for a different purpose;
- (d) the disposal of waste;
- (e) the treatment of effluent, wastewater and sewage with an annual throughput capacity of 15 000 cubic metres or more;
- (f) the recycling, handling, temporary storage or treatment of general waste with a daily throughput capacity of 20 cubic metres or more; or
- (g) the recycling, handling, temporary storage or treatment of hazardous waste

### INTERPRETATION:

“**decommissioning**” for the purpose of this activity means to take out of active service permanently or closure of a facility and to cease utilisation thereof to the extent that it can not be readily re-commissioned.

The words “**different purpose**” refer to a different land use other than industrial.

For practical purposes subsection (c) should regard all instances where hazardous substances were stored or evidence of hazardous spills have taken place. It is recommended that the *de minimus non curat lex* principle should be applied in cases where contamination has taken place.

### INCLUSIONS:

Facilities *inter alia* for -

- i) the disposal of waste (on-site and off-site) generated by the facility.
- ii) filling stations

### NOT INCLUDED:

### GENERAL NOTES:

- In terms of Section 22c of NEMA, applications for activity a) electricity generation; and b) nuclear reactors and storage of nuclear fuel, should be referred to DEAT
- Consider the requirements of the –
  - Hazardous Substances Act, 1973 (Act 36 of 1973)

## ACTIVITIES THAT REQUIRE BASIC ASSESSMENT

Activities listed in Government Notice 386 of 21 April 2006

- National Water Act, 1998 (Act no 36 of 1998)
- Soil analysis and groundwater quality assessments will serve as proof of contamination.
- Rehabilitation of the property or contaminated area must form part of the decommissioning process.
- Note that decommissioning can take place on a portion of a property the property as a whole e.g. decommissioning taking place in phases.

### 24

**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... (regulation Gazette number to be included when available), after a period of two years from closure or temporary closure, for –**

- (a) electricity generation;
- (b) nuclear reactors and nuclear fuel storage; or
- (c) facilities for any industrial process or activity, which require permission, authorisation, or further authorisation, in terms of legislation governing the release of emissions, pollution, effluent or waste to air, water or soil prior to the facility being recommissioned.

#### INTERPRETATION:

For the purpose of this guideline this activity only refers to permits/licences issued by National and Provincial organs of state.

“**final discharge of effluent**” for the purpose of this guideline means the release of effluent into the environment i.e. water or soil.

#### INCLUSIONS:

Facilities for *inter alia* –

- i) the final discharge of emissions, pollution, effluent or waste to air, water or soil;
- ii) Scheduled processes under the Second Schedule to the Atmospheric Pollution Prevention Act, (Act 45 of 1965) or other relevant air quality legislation.

#### NOT INCLUDED:

- i) Facilities where effluent or waste to air, water or soil are treated before final discharge e.g. waste water treatment facilities

#### GENERAL NOTES:

- In terms of Section 22C of NEMA, applications for electricity generation and nuclear reactors and nuclear fuel storage should be referred to DEAT as the competent authority.
- Air emissions managed by DEAT in terms of the relevant air quality legislation.
- Water effluent is managed in terms of the National Water Act, 1998.
- The two year period only refers to (a) and (b) above and not to release of emissions, pollution, effluent or waste to air, water or soil of facilities for industrial processes being recommissioned.

The applicability of the following Activities that should be considered, include *inter alia*:

GN no. R.386 of 2006, item –

- 25- expansions requiring new permits for emissions

GN no. R.387 of 2006, items –

- 1(e) - new facilities that require permits for emissions
- 3 - Underground storage of dangerous goods

## ACTIVITIES THAT REQUIRE SCOPING & EIA

Activities listed in Government Notice 387 of 21 April 2006

### 1(b)

**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**

#### INTERPRETATION:

## ACTIVITIES THAT REQUIRE SCOPING & EIA

Activities listed in Government Notice 387 of 21 April 2006

All facilities involving activities or processes involving radioactive material or nuclear fuel to the establishment of new or expansion of existing facilities concerned with the production, enrichment, reprocessing, storage or disposal of nuclear fuels and wastes.

“**waste**” means an undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing (recycling, re-using or extracting usable elements). It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area. This definition excludes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste. After definition in Government Gazette No. 12703, August 1990

Structure or infrastructure, associated with the facility applied for, include inter alia:

- Early warning systems
- Transmission lines
- Access roads
- Disposal sites and its related activities
- Fencing

### INCLUSIONS:

i) Associated infrastructure: H:H hazardous disposal site.

### GENERAL NOTES:

- In terms of Section 24C(2) of the NEMA, DEAT is regarded to be the competent authority.

The applicability of the following Activities that should be considered include inter alia:

- GN no. R.387 of 2006, items -
- 1(f) – with reference to the recycling, re-use, handling, temporary storage or treatment of general waste;
- 7 - where the substrate/ material being mined contains radioactive material and will be stored (e.g. mine dump).

### 1(d)

#### The construction of facilities or infrastructure, including associated structures or infrastructure, for the refining of gas, oil and petroleum products.

### INTERPRETATION

“**refining**” for the purpose of this guideline means the processing of gas, oil and petroleum which is linked to the manufacture of fuel.

“**petroleum**” means any liquid, solid hydrocarbon or combustible gas existing in a natural condition in the earth’s crust and includes any such liquid or solid hydrocarbon or combustible gas, which gas has in any manner been returned to such natural condition, but does not include coal, bituminous shale or other stratified deposits from which oil can be obtained by destructive distillation or gas arising from a marsh or other surface deposit. (as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002, as amended)

“**gas**” in the context of this activity means any liquid, combustible gas existing in a natural condition in the earth’s crust and includes any such liquid or combustible gas, which gas has in any manner been returned to such natural condition.

“**liquefied petroleum gas**” means a petroleum product which consists mainly of propane or butane or both and which can be stored as a liquid under relatively low pressure for use as a fuel;

“**oil**” includes oil derived from plant material or “edible” oil as well as mineral oil

“**biodiesel**” means a natural and renewable domestic fuel alternative for diesel engines made from vegetable oils, mostly soy and corn. It contains no petroleum, is non-toxic and biodegradable.

### INCLUSIONS:

i) Facilities and associated structures for the refining of gas, oil and petroleum products related to the manufacture of fuel.

## ACTIVITIES THAT REQUIRE SCOPING & EIA

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- ii) Commercial production of green fuels e.g. bio-diesel, oil refineries (plants of any size, where fuel is produced to be sold.)

### NOT INCLUDED:

- i) Bio-fuel production for own use.  
ii) Refinement of oil for uses other than for the production of fuel (e.g. refinement of olive oil)

### GENERAL NOTES:

- For the purpose of this guideline the facilities are understood to refer to facilities for the production of fuel as the final product and do not refer to refining vegetable oils for human consumption.
- This activity is also regulated in terms of the Minerals and Petroleum Act and requires authorisation from the Department of Minerals and Energy.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, item –

- 7 – storage of dangerous goods

GN no. R.387 of 2006, item –

- 1(c) – storage of dangerous goods
- 3 – underground storage tanks

### 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.**

### INTERPRETATION:

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;
- Structures for testing explosives and ammunition; and
- Bulk storage of explosives and ammunition.

### INCLUSIONS:

- i) Manufacturing facilities (i.e. factory)  
ii) Magazines used for storage of explosives  
iii) Chambers for testing explosives  
iv) An incinerator used for the disposal of explosives.  
v) Manufacturing of explosives including pyro-technique plants/ factories.

### NOT INCLUDED:

- i) Licensed retail outlets  
ii) Legal end-use of ammunition at indoor and outdoor shooting ranges, as well its associated infrastructure  
iii) Use of such explosives (e.g. blasting at quarries and construction sites, etc.)  
iv) Pyro-techniques displays (e.g. Symphony of Fire in Cape Town).

### GENERAL NOTES:

### 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.**

### INTERPRETATION:

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

## ACTIVITIES THAT REQUIRE SCOPING & EIA

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- Mooring point facilities;
- Pipelines.

### INCLUSIONS:

- i) All terrestrial facilities required for the processing, transport of natural gas.
- ii) Extraction or processing of gas from landfill sites for the generation of electricity.
- iii) All offshore facilities required for the extraction or processing of natural gas (e.g. platform, pipelines, and associated structures and infrastructure such as tankers, transportation routes etc.)

### NOT INCLUDED:

- i) Bio-digesters (e.g. anaerobic digestion of sewage).

### GENERAL NOTES:

- Bio-digesters is a structure where methane gas can be collected from anaerobic digestion of sewage. The structures are usually small and are linked to individual households.
- In terms of Section 24C(2) of NEMA, offshore rigs, pipelines etc should be referred to DEAT as the competent authority.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items –

- 7 – storage of dangerous goods.

GN no. R.387 of 2006, items –

- 1(c) – storage of dangerous goods.

### 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**

### INTERPRETATION:

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

“**bulk transportation**” refers to the volume of dangerous goods transported per day, regardless the purpose or end-use thereof and/or installed capacity of the infrastructure.

“**throughput**” for the purpose of this activity refers to the design capacity of such pipelines, funiculars or conveyors, that can allow a capacity of 50 tons or 50 cubic metres, or more, through per day.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

### INCLUSIONS:

- i) Facilities for bulk transportation of dangerous goods, *inter alia* –
  - gaseous,
  - liquid,
  - solid goods; or
  - a combination thereof.

### NOT INCLUDED:

- (i) Road, railway and air transport where no facilities are being constructed.

### GENERAL NOTES:

- The throughput capacity refers to the design capacity of the facility (e.g. pipelines, funiculars or conveyors).

## ACTIVITIES THAT REQUIRE SCOPING & EIA

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- It is important to differentiate between a dangerous good and waste -
  - A **dangerous good** refer to goods that are capable of posing a significant risk to the health and safety of people or the environment, however, for the purpose of this guideline, is understood to refer to a good that can be accumulated or stored for the purpose of processing or final use.
  - Whereas **waste** refer to an undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing (recycling, re-using or extracting usable elements). It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area. This excludes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items –

- 7 – storage of dangerous goods.
- 15 – construction of roads

GN no. R.387 of 2006, items –

- 1(c) – storage of dangerous goods.

### 1(m)

**The construction of facilities or infrastructure, including associated structures or infrastructure, for marine telecommunication**

#### INTERPRETATION:

**“marine telecommunication”** for the purpose of this guideline is understood to refer to cables and land based infrastructure, marine telecommunication lines and cables, and access roads leading to such structures.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

#### INCLUDED:

#### NOT INCLUDED

#### GENERAL NOTES:

- In terms of Section 24C(2) of the NEMA the competent authority should be identified as DEAT.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

- 2 – earthmoving activities within 100m of the high water mark of the sea
- 3 – preventing movement of sand within 100m of the high water mark of the sea
- 5 – damaging indigenous vegetation of more than 10m<sup>2</sup> within 100m of the high water mark of the sea
- 6 – moving, excavating...compacting soil of more than 10m<sup>2</sup> within 100m of the high water mark of the sea

### 1(n)

**The construction of facilities or infrastructure, including associated structures or infrastructure, for the transfer of 20 000 cubic metres or more of water between water catchments or impoundments per day**

#### INTERPRETATION:

**“water catchment”** for the purpose of this guideline is understood to refer to an area identified by DWAF in terms of the NWA.



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Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

### INCLUSIONS:

i) Facilities include *inter alia*:

- pipelines
- channels

### NOT INCLUDED:

i) Maintenance or replacement of associated structures if it does not result in an expansion of such facility.

### GENERAL NOTES:

- It is important to note that the design capacity of such facility must be considered as the trigger of the activity. The design capacity refers to the throughput capacity of the facility to allow 20 000 cubic metres, or more, of water between catchments per day.
- Facilities can include *inter alia* – pipelines and channels. According to the regulations a channel means an excavated hollow bed for running water or an artificial underwater depression to make a water body navigable or to improve the flow of water in a natural stream, river or the sea.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items

- 1(k) - the bulk transportation of sewage and water, including storm water, in pipelines.
- 1(m) - any purpose in the 1:10 year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the 1:10 year flood line is unknown.

## 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 200 cubic metres or more of airspace**

### INTERPRETATION:

**“final disposal of general waste”** means the act of disposing of general waste at a disposal site used for the accumulation of such waste.

**“general waste”** means, waste that does not pose an immediate threat to man or to the environment, i.e. household waste, builders rubble, garden waste, dry industrial and commercial waste. It may, however, with decomposition, infiltration and percolation produce leachate with an unacceptable pollution potential. (after definition from the National Water Act, 1998 (Act no. 36 of 1998) )

### INCLUSIONS:

### NOT INCLUDED:

### GENERAL NOTES:

- For the purpose of this activity a facility for the final disposal of general waste is understood to refer to a “final disposal site. This includes landfills but excludes temporary waste storage areas, transfer stations, materials recovery plants, waste treatment facilities and storage areas at incinerators.
- Landfill for the purpose of this guideline refers to –
  - the action to dispose of waste on land, whether by use of waste to fill in excavations or by creation of a landform above grade, where the term ‘fill’ is used in the engineering sense; or
  - the waste body created by landfilling. This may be above or below grade, or both.
- The DWAF Landfill Classification System addresses landfill site identification, classification and management, namely -
  - Ten different landfill classes are identified. These are: G:C:B–, G:C:B+, G:S:B–, G:S:B+, G:M:B–, G:M:B+, GLB–, G:L:B+, H:H and H:h.
  - The type of waste disposal landfill: G = general waste and H = hazardous waste
  - General waste landfills are sub-divided into classes, based on magnitude of waste stream and size of operation. These classes are Communal, Small, Medium and Large. The larger the operation, the more

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stringent the Minimum Requirements.

- The size of the disposal site is determined by the maximum disposal rate (MRD) in tonnes per day:
  - Communal landfills have a MRD of less than 25,
  - Small landfills from 25 to 150,
  - Medium landfills from 150 to 500 and
  - Large landfills have a MRD of more than 500.
- Site water balance = B. The above classes of landfill sites are divided on the basis of the Site Water Balance which influences the generation of leachate. A B- landfill is a landfill that generates only sporadic leachate and does not require a leachate management system. A B+ landfill is a landfill that generates significant leachate. With the exception of Communal sites, require leachate management systems, comprising liners and leachate collection systems.
- For the purpose of this activity the temporary storage of general waste is understood to refer to the storage of general waste for recycling, re-use, handling or treatment for a period of 90 days or less. The storage of waste for longer than 90 days at a facility should be regarded as the final disposal of such waste.
- One of the potential impacts related to such facilities is the generation of "leachate". This is understood to mean an aqueous solution with a high pollution potential, arising when water is permitted to percolate through decomposing waste. It contains final and intermediate products of decomposition, various solutes and waste residues. It may also contain carcinogens and/or pathogens
- It is important to keep in mind that an area of 100 square metres or 10m x 10m is a relatively small area. All Activities that will require the disposal of general waste on site will in all likelihood surpass this criteria during the lifespan of the activity.
- The construction of facilities or infrastructure for the final disposal of waste may merely entail the clearing and preparation of land for the intended final disposal of waste, although this may not necessarily fulfill the pre-requisites for a disposal site design such as site classification, airspace and site life.
- Consider the DWAF Waste Management Series for more detail on landfill site identification, classification and management, namely –
  - Minimum Requirements for Waste Disposal by Landfill, Third Edition, 2005
  - Minimum Requirements for the Monitoring of Water Quality at Waste Management Facilities.

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, items –

- 1(o) - the recycling, re-use, handling, temporary storage or treatment of general waste
- 12 – clearing indigenous vegetation;
- 15 – construction of roads;
- 25 - 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.

GN no. R.387 of 2006, item

- 1(f) - the recycling, re-use, handling, temporary storage or treatment of general waste

### 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.**

#### INTERPRETATION:

For the purpose of this guideline this activity refers to activities that require a permit or licence issued by National and Provincial organ of state.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

"**waste**" means an undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing (recycling, re-using or extracting usable elements). It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area. This definition excludes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste. After definition in Government Gazette No. 12703, August 1990.

**INCLUSIONS:**

- i) Crematoriums
- ii) Evaporation ponds (cross reference to 1(s) GN 386 – treatment of effluent)

**NOT INCLUDED:**

**GENERAL NOTES:**

- Permits are required for the
- Consider the requirements of the –
  - National Environment Management: Air Quality Act (Act no 39 of 2004) or other relevant air quality legislation;
  - National Water Act, 1998 (Act no 36 of 1998).

The applicability of the following Activities that should be considered include inter alia:

GN no. R.386 of 2006, item –

- 1(s) – treatment of effluent

**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.**

**INTERPRETATION:**

“**microbial deactivation**” for the purpose of this guideline is understood to mean to inhibit, block, or disrupt the action of an enzyme or other biological agent e.g. bacteria, fungi, virus.

“**chemical sterilisation**” means the elimination of all transmissible agents (such as bacteria, prions and viruses) from a surface or piece of equipment by means of chemicals. (This is different from disinfection, where only organisms that can cause disease are removed by a disinfectant).

**INCLUSIONS:**

- i) Facilities for non-thermal treatment of waste by means of *inter alia* -
  - ozone treatment
  - ultra violet light treatment (UV)
  - infra red, and
  - dissolved air flotation

**NOT INCLUDED:**

**GENERAL NOTES:**

- This activity is normally linked to other waste disposal facilities.
- Consider the requirements of
- The preferred principle for sterilisation is through heat. There are also some chemical methods capable of sterilization.
  - Ethylene oxide (EO) gas is commonly used to sterilize objects that cannot survive temperatures greater than 60°C such as plastics, optics and electrics. Ethylene oxide treatment is generally carried out between 30°C and 60°C with relative humidity above 30% and a gas concentration between 200mg/l and 800mg/l for at least 3 hours. Ethylene oxide penetrates very well, moving through paper, cloth, and some plastic films and is highly effective. Ethylene oxide however is highly flammable, and requires a longer time to sterilize than any heat treatment. The process also requires time for aeration post sterilization to remove toxic residues. Ethylene oxide is widely used and sterilizes around 50% of all disposable medical devices.
  - Ozone is used in industrial settings to sterilize water and air, as well as a disinfectant for surfaces. It has the benefit of being able to oxidize most organic matter. On the other hand, it is a toxic and unstable gas that must be produced on-site, so it is not practical to use in many settings.
  - Bleach is another accepted liquid sterilizing agent. Household bleach, also used in hospitals and biological research laboratories, consists of 5.25% sodium hypochlorite. At this concentration it is most stable for storage, but not most active. According to the Beth Israel Deaconess Medical Center Biosafety Manual (2004 edition), in most cases, it should be diluted to 1/10 of its storage concentration immediately before use; however, it should be diluted only to 1/5 of the storage concentration to kill Mycobacterium tuberculosis. This dilution factor must take into account the volume of any liquid waste that it is being used to sterilize. Bleach will kill many organisms immediately, but should be allowed to incubate for 20 minutes for full sterilization. Bleach will kill

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many spores, but is ineffective against certain extremely resistant spores. It is highly corrosive, even causing rust of stainless steel surgical implements.

- Glutaraldehyde and formaldehyde solutions (also used as fixatives) are additional accepted liquid sterilizing agents, provided that the immersion time is long enough – it can take up to 12 hours for glutaraldehyde to kill all spores, and even longer for formaldehyde. (This assumes that a liquid not containing large solid particles is being sterilized. Sterilization of large blocks of tissue can take much longer, due to the time required for the fixative to penetrate.) Glutaraldehyde and formaldehyde are volatile, and toxic by both skin contact and inhalation. Glutaraldehyde has quite a short shelf life (<2 weeks), and is expensive. Formaldehyde is less expensive and has a much longer shelf life if some methanol is added to inhibit polymerization to paraformaldehyde, but is much more volatile. Formaldehyde is also used as a gaseous sterilizing agent; in this case, it is prepared on-site by depolymerization of solid paraformaldehyde.
- Ortho-phthalaldehyde (OPA) is a sterilizing chemical which received FDA clearance in late 1999. Typically used in a 0.55% solution, OPA shows better myco-bactericidal activity than glutaraldehyde. It also is effective against glutaraldehyde-resistant spores. OPA has superior stability, is less volatile, and does not irritate skin or eyes, and it acts more quickly than glutaraldehyde. On the other hand, it is more expensive, and will stain proteins (including skin) grey in colour.
- Another chemical sterilizing agent is hydrogen peroxide. It is relatively non-toxic once diluted to low concentrations (although a dangerous oxidizer at high concentrations), and leaves no residue

### 1(s)

**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) railway lines;
- (ii) stations; or
- (iii) shunting yards;

#### INTERPRETATION:

“**industrial areas**” refers to an area zoned for industrial use.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- access infrastructure (roads, parking areas etc.);
- built infrastructure (e.g. railway stations (departure/arrival facilities), storage and warehouses, maintenance buildings etc.);
- services (electricity supply);
- perimeter/ boundary walls or fences;
- storm water system
- railway sidings outside industrial areas
- marshalling yards
- fuel storage areas

#### INCLUSIONS:

- i) Expansion of a railway includes *inter alia*:
  - widening or extending an existing track or line; or
  - realigning a railway.

#### NOT INCLUDED:

- i) railway lines and sidings in industrial areas and underground railway lines in mines;
- ii) funiculars;
- iii) routine maintenance activities or the replacement of defunct equipment with new equipment provided that this is not related to increasing the capacity of the facility.

#### GENERAL NOTES:

3

**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.**

**INTERPRETATION:**

**“dangerous good”** according to *the regulations* means goods that are capable of posing a significant risk to the health and safety of people or the environment and which are listed in South African National Standard No.10228 designated “The identification and classification of dangerous goods for transport”, as may be amended from time to time.

**“filling station”** according to *the regulations* means a site where petrol, diesel, liquid petroleum gas or paraffin is offered for sale, and includes shops and car-washing facilities that are located on the same property or form part of the same development but excludes retail shops that sell gas or paraffin in small containers.

**“petroleum”** according to the Minerals and Petroleum Act means any liquid, solid hydrocarbon or combustible gas existing in a natural condition in the earth’s crust and includes any such liquid or solid hydrocarbon or combustible gas, which gas has in any manner been returned to such natural condition, but does not include coal, bituminous shale or other stratified deposits from which oil can be obtained by destructive distillation or gas arising from a marsh or other surface deposit.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. shops and car-washing facilities, storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;
- Advertising signs

**INCLUSIONS:**

- i) Expansion of filling stations with regard to the increase of storage volume on the property,
- ii) Filling stations where above-ground and/or underground tanks for the storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin
- iii) Farmer co-op facilities.
- iv) Any stand-alone facilities for the underground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin include *inter alia* transport companies, farming enterprises, underground tank farms

**NOT INCLUDED:**

- i) Maintenance of facilities, including replacing defunct or old tanks of the same volume (e.g. replacing like for like volume storage tanks with the purpose to comply with SANS.

**GENERAL NOTES:**

- The construction of additional retail shops and car-washing facilities is not regarded to change or alter the nature and purpose of the filling station nor the will result in an increase of the storage of such facility (e.g. storage and sale of petrol).
- “*BTF*” means Bulk to Farmer facilities. These facilities means usually above-ground storage tanks and do not trigger this activity.
- 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. (e.g. 23 cubic metres (23000ℓ) tanks at transport companies)

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

7 - with respect to above ground storage of dangerous goods at filling stations.

1(c). - with respect to above ground storage of dangerous goods and a filling station facility

4

**The extraction of peat**

**INTERPRETATION:**

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“**peat**” means dead but not decayed flora found in swamp areas, or a substance consisting of carbonised vegetable material used as a fertilizer or dried and used as a fuel.

Structures or infrastructure, associated with the facility applied for, include *inter alia*:

- Access infrastructure (roads, parking areas etc.);
- Built infrastructure (e.g. storage and maintenance buildings);
- Services (electricity supply);
- Perimeter/ boundary walls or fences;

### INCLUSIONS:

i) All activities related to the extraction of peat.

### NOT INCLUDED:

### GENERAL NOTES:

- “*peatlands or mires*” are wetland ecosystems that are characterised by the accumulation of organic matter, which is produced and deposited at a greater rate than it is decomposed, leading to the formation of peat. The term mire can probably be considered as a slightly wider concept than peatland, because it encompasses all peat-forming habitats and this feature distinguishes mires from all other ecosystems. (from the International Peat Society, <http://www.peatsociety.org>)
- Although not many peat deposits have been identified in the Western Cape Province, the sensitive nature of the environment where the peat is deposited and to gain access thereto, will form a crucial component of the assessment of such applications.
- This activity is also administered by the Department of Agriculture and it is important to interact closely with officials from the DA in this regard.
- In terms of the Minerals & Petroleum Resources Development Act (Act no 28 of 2002) peat is not defined as a mineral and the extraction thereof is therefore not subject to an authorisation or management procedures set out in the provisions and regulations of this Act. Notwithstanding, the method of extracting peat is very similar to that of certain mining practices and should therefore be managed in a similar approach e.g. submission of an EMPR and financial securities for rehabilitation work.

The applicability of the following Activities that should be considered include *inter alia*:

GN no. R.386 of 2006, items –

4 – dredging ....moving soil, rock of more than 5 cubic metres from a river, tidal lagoon, lake, in-stream dam, floodplain or wetland;

12 – transformation of indigenous vegetation of 3 ha or any size.

## 5

**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) 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);
- (ii) it is a road administered by a provincial authority;
- (iii) the road reserve is wider than 30 metres; or
- (iv) the road will cater for more than one lane of traffic in both directions.

### INTERPRETATION:

“**national road**” according to the National Roads Act, 1998 (Act No. 7 of 1998) –

- (a) means any road or route declared a national road under section 40(1); and
- (b) includes any road or route which, in terms of section 40(5), is regarded and treated as a national road so declared; and
- (c) includes any part of the road which is a toll road as defined in this section, as well as any “inter-provincial bridge” and “interstate bridge” as so defined which is used in conjunction with a national road;

“**road**” with respect to national roads and according to the National Roads Act, 1998 (Act No. 7 of 1998) – means a public road and includes, in addition to the roadway—

- (a) the land of which the road consists or over which the road reserve in question extends;
- (b) anything on that land forming part of, connected with, or belonging



- to the road; and  
(c) land acquired for the construction of a connection between a national road and another road;

“**road reserve**” means a certain width from the middle of the route alignment of roads proclaimed in terms of the Road Ordinance 1976 (Ordinance no. 19 of 1976) or in terms of the relevant Municipal Ordinance.

“**route determination of roads**” for the purpose of this guideline refers to determining the most suitable horizontal alignment of the proposed route.

Design of physical infrastructure, associated with the facility applied for, include *inter alia*:

- culverts,
- bridges, pedestrian bridges,
- turning lanes, two lane traffic circles;
- road calming measures
- non-motorised transport structures (e.g. pedestrian and cycle lanes),
- lighting,
- parking areas; and
- safety railing.

**INCLUSIONS:**

- i) Any provincial road within the urban edge, district tarred and gravel roads.

**NOT INCLUDED:**

- i) Any road administered by a metropolitan or local authority where the road reserve is less than 30 metres; or the road will cater for only one lane of traffic in both directions.
- ii) Associated infrastructure that does not result in and increase of the transport capacity of the road. provided that this does not result in an expansion of the existing road.

**GENERAL NOTES:**

- In terms of Section 24C(2) of the NEMA, DEAT is regarded to be the competent authority for activities 5(i), 5(iii), 5(iv) mentioned above.
- This activity is limited to the “planning” of larger roads e.g. route determination and design of associated physical infrastructure. The route determination refers to the horizontal alignment of such route and will be proclaimed in the Government Gazette in terms of the relevant legislation.
- The road networks for most national and provincial roads have been planned for, however it should be noted that the design of physical infrastructure normally takes place closer to the time of construction.
- Should the intention be to construct such a road within a reasonable period (e.g. 5-10 years) after the route has been determined and authorised, an application for Activity 15 of GN 386 should be applied for simultaneously
- Important to determine which authority administers the road. The Provincial authority, especially in the rural towns, may administer roads that fall within the urban edge. Not all roads within a Municipal area have been transferred to local authority.
- The Provincial Administration of the Western Cape, Department of Transport can be approached to provide list of routes to which this activity is applicable.
- The width of the road reserve is measured from the centre of the road. This implies that there is a portion of the reserve on both sides as measured from the centre of the road e.g. 15m plus 15m, creating a 30metre wide corridor or road reserve. Roads can be built within the 30m corridor and do not necessarily result in a symmetrical location within the corridor. The road reserve makes provision for the surfaced area, the shoulder of the road and the drainage gully as well as associated structures. The road reserve is supposed to be fenced off and the fences actually form the border (e.g. 30m from fence to fence), note that the latter may not always be the case due to the erection and maintenance cost associated with the fences. The different road reserve widths are generally –
  - 30 meters and more for national roads
  - 25 metres for main roads
  - 20 metres for secondary or district roads
  - 20 metres for tertiary roads
  - 10-20 metres are roads that were specifically proclaimed in terms of the ordinance.
  - < 10 metres for a servitude for private use.
- For the purpose of this activity the design of associated physical infrastructure is understood to refer to the design of intersections, fences, side-walks, bridges culverts etc. This process normally follows after the road has been proclaimed and usually before expropriation notices are served on landowners.



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The applicability of the following Activities that should be considered include inter alia:

- GN no. R.386 of 2006, item 15

### 10

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

#### **INTERPRETATION:**

Section 53 (1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) -The Minister may, by notice in the Gazette, identify any process or activity in a listed ecosystem as a threatening process.

A threatening process identified in terms of subsection (1) must be regarded as a specified activity contemplated in section 24(2)(b) of the National Environmental Management Act and a listed ecosystem must be regarded as an area identified for the purpose of that section. (Section 24(2)(b) of NEMA makes provision for the identification of geographical areas in which specified activities may not be commenced without prior authorisation from the MEC).

#### **GENERAL NOTES:**

No notice was gazetted by 3 July 2006.

## REFERENCES

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