

(11 June 2021 – to date)

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

(Gazette No. 19519, Notice No. 1540. Commencement date: 29 January 1999 [Proc. No. 8, Gazette No.19703])

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS: LISTING NOTICE 1 OF 2014

Government Notice R983 in Government Gazette 38282 dated 4 December 2014. Commencement date: 8 December 2014.

As amended by:

Government Notice 327 in Government Gazette 40772 dated 7 April 2017. Commencement date: 7 April 2017.

Government Notice 706 in Government Gazette 41766 dated 13 July 2018. Commencement date: 13 July 2018.

Government Notice 517 in Government Gazette 44701 dated 11 June 2021. Commencement date: 11 June 2021 – unless otherwise indicated

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby repeal Listing Notice 1 of 2010, published under Notice No. 544 in Gazette No. 33306 dated 18 June 2010, and publish Listing Notice 1 of 2014 under sections 24(2), 24(5), 24D and 44, read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), set out in the Schedule hereto.

(Signed)

BOMO EDITH EDNA MOLEWA

MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

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2. DEFINITIONS
3. IDENTIFIED ACTIVITIES AND COMPETENT AUTHORITIES
4. REPEAL OF NOTICE 544 OF 18 June 2010
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APPENDIX 1

Prepared by:

1. PURPOSE

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

2. DEFINITIONS

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

"agriculture" for purposes of this notice means any cultivation or raising of crops, feeding, breeding, keeping or raising of livestock;

(Definition of "agriculture" inserted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

"agri-industrial" means an undertaking involving the beneficiation of agricultural produce;

"associated structures, infrastructure and earthworks" means any structures, infrastructure or earthworks, including borrow pits, that is necessary for the development and functioning of a facility or activity;

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

"channel" means an excavated hollow bed for running water or an artificial underwater depression to make a water body navigable in a natural watercourse, river or the sea;

"closure" means to take out of active service permanently or to dismantle partly or wholly, or permanent shutdown a facility/sic to the extent that it cannot be recommissioned;

(Definition of "closure" inserted by regulation 27(a) of GN 517 dated 11 June 2021)

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

"dam" when used in these Regulations means any barrier dam and any other form of impoundment used for the storage of water, excluding reservoirs;

(Definition of "dam" substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

"dangerous goods" means goods containing any of the substances as contemplated in South African National Standard No. 10234, supplement 2008 1.00: designated "List of classification and labelling of chemicals in accordance with the Globally Harmonized Systems (GHS)" published by Standards South Africa, and where the presence of such goods, regardless of quantity, in a blend or mixture, causes such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, namely physical hazards, health hazards or environmental hazards;

"decommissioning"

(Definition of "decommissioning" deleted by regulation 27(b) of GN 517 dated 11 June 2021)

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

(Definition of "development" substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

"development footprint" means any evidence of physical alteration as a result of the undertaking of any activity;

"development setback" means a setback line defined or adopted by the competent authority;

"expansion" means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased;

"Financial Provisioning Regulations" means the Financial Provisioning Regulations published in terms of section 44(1)(aE), (aF), (aG), (aH) read with sections 24(5)(b)(ix), 24(5)(d), 24N, 24P and 24R of the Act;

(Definition of "Financial Provisioning Regulations" inserted by regulation 27(c) of GN 517 dated 11 June 2021)

"hydraulic fracturing" means a well stimulation technique in which rock is fractured by a pressurized liquid, which process involves the high-pressure injection of fracturing fluids into a wellbore to create cracks in the deep-rock formations through which natural gas, petroleum, and brine will flow more freely;

(Definition of "hydraulic fracturing" inserted by regulation 27(c) of GN 517 dated 11 June 2021)

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

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

"large stock unit" means domesticated units including but not limited to cattle and horses, as well as game, including but not limited to antelope and buck with an average adult male live weight of 100 kilograms or more;

"linear activity" means an activity that is arranged in or extending along one or more properties and which affects the environment or any aspect of the environment along the course of the activity, and includes railways, roads, canals, channels, funiculars, pipelines, conveyor belts, cableways, power lines, fences, runways, aircraft landing strips, firebreaks and telecommunication lines;

(Definition of "linear activity" substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

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

"maintenance management plan" means a management plan for maintenance purposes defined or adopted by the competent authority;

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

"Mineral and Petroleum Resources Development Act" means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

(Definition of "Mineral and Petroleum Resources Development Act" inserted by regulation 27(d) of GN 517 dated 11 June 2021)

"mining application" means an application for an environmental authorisation for a permission, right, permit, or consent required in terms of the Mineral and Petroleum Resources Development Act and includes hydraulic fracturing and reclamation;

(Definition of "mining application" inserted by regulation 27(d) of GN 517 dated 11 June 2021)

"phased activities" means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity, but excludes any activity for which an environmental authorisation has been obtained in terms of the Act or the Environment Conservation Act, 1989 (Act No. 73 of 1989);

(Definition of "phased activities" substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

"previous NEMA notices" means the previous notices published in terms of section 24(2) of NEMA (Government Notices R. 386 and R. 387 in the Government Gazette of 21 April 2006, as amended, or

Government Notice No. R. 544, 545 and 546 in the Government Gazette of 18 June 2010, as amended, or Government Notice No. R 983, 984 and 985 in the Government Gazette of 4 December 2014);

(Definition of “previous NEMA notices” substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

(Definition of “previous NEMA notices” amended by regulation 6(a) of Government Notice 706 in Government Gazette 41766 dated 13 July 2018)

"small stock unit" means domesticated units, including sheep, goats and pigs, as well as game, including but not limited to antelope and buck with an average adult male live weight of less than 100 kilograms;

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

"throughput capacity" means the design capacity or maximum capable capacity of a facility, structures or infrastructure, whichever is the greater;

"unit" in relation to a quantity standard for determining throughput of facilities or infrastructure for the slaughter of animals, has the meaning assigned to it in Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000);

(Definition of “unit” substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

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

"watercourse" means -

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, pan, lake or dam into which, or from which, water flows; and any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and

a reference to a watercourse includes, where relevant, its bed and banks; and

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

- (2) The following words relevant to coastal activities will have the meaning assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008):

(Words preceding regulation 2(2)(a) substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

- a) "coastal public property";
- b) "estuary";
- c) "high-water mark";
- d) "littoral active zone";
- e) "sea"; and
- f) "seashore".

- (3) The following words will have the meaning assigned to them in terms of section 1 of the Mineral and Petroleum Resources Development Act:

- (a) "exploration right";
- (b) "mine";
- (c) "mineral";
- (d) "mining permit";
- (e) "mining right";
- (f) "petroleum";
- (g) "production right";
- (h) "prospecting right";
- (i) "reconnaissance permit";
- (j) "residue deposit"; and
- (k) "residue stockpile".

(Regulation 2(3) substituted by regulation 27(e) of GN 517 dated 11 June 2021)

3. IDENTIFIED ACTIVITIES AND COMPETENT AUTHORITIES

- (1) The activities listed in Appendix 1 are identified in terms of section 24(2)(a) of the Act as activities that may not commence without an environmental authorisation from the competent authority.
- (2) The investigation, assessment and communication of potential impact of activities must follow the procedure as prescribed in regulations 19 and 20 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act.

(Regulation 3(2) substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

- (3)

(Regulation 3(3) deleted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

4. REPEAL OF NOTICE 544 OF 18 June 2010

Notice No. 544 published in *Gazette* 33306 on 18 June 2010 is hereby repealed.

5. SHORT TITLE

This Listing Notice is called the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, and takes effect on 8 December 2014.

APPENDIX 1

(Appendix 1 substituted by Government Notice 327 in Government Gazette 40772 dated 7 April 2017)

Identification of competent authority:

The competent authority in respect of the activities listed in this part of the Schedule is the competent authority in the province in which the activity is to be undertaken, unless—

- (a) it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act; or
- (b) the application is a mining application, in which case the competent authority is the Minister responsible for mineral resources.

(Paragraph of “Identification of competent authority” substituted by regulation 27(f) of GN 517 dated 11 June 2021)

Activity number	Activity description
1.	<p>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</p> <ul style="list-style-type: none"> (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare; <p>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</p> <ul style="list-style-type: none"> (a) within an urban area; or (b) on existing infrastructure.
2.	<p>The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where—</p> <ul style="list-style-type: none"> (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.

Activity number	Activity description
3.	<p>The development and related operation of facilities or infrastructure for the slaughter of animals with a—</p> <ul style="list-style-type: none"> (i) product throughput of poultry exceeding 50 poultry per day; (ii) product throughput of reptiles, game and red meat exceeding 6 units per day; or (iii) wet weight product throughput of fish, crustaceans or amphibians exceeding 20 000 kg per annum.
4.	<p>The development and related operation of facilities or infrastructure for the concentration of animals in densities that exceed—</p> <ul style="list-style-type: none"> (i) 20 square metres per large stock unit and more than 500 units per facility; (ii) 8 square meters per small stock unit and; <ul style="list-style-type: none"> a. more than 1 000 units per facility excluding pigs where (b) applies; or b. more than 250 pigs per facility excluding piglets that are not yet weaned; (iii) 30 square metres per crocodile and more than 20 crocodiles per facility; (iv) 3 square metres per rabbit and more than 500 rabbits per facility; or (v) 250 square metres per ostrich or emu and more than 50 ostriches or emus per facility.
5.	<p>The development and related operation of facilities or infrastructure for the concentration of—</p> <ul style="list-style-type: none"> (i) more than 1 000 poultry per facility situated within an urban area, excluding chicks younger than 20 days; (ii) more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days; (iii) more than 5 000 chicks younger than 20 days per facility situated within an urban area; or (iv) more than 25 000 chicks younger than 20 days per facility situated outside an urban area.
6.	<p>The development and related operation of facilities, infrastructure or structures for aquaculture of—</p> <ul style="list-style-type: none"> (i) finfish, crustaceans, reptiles or amphibians, where such facility, infrastructure or structures will have a production output exceeding 20 000 kg per annum (wet weight); (ii) molluscs and echinoderms, where such facility, infrastructure or structures will have a production output exceeding 30 000 kg per annum (wet weight); or (iii) aquatic plants, where such facility, infrastructure or structures will have a production output exceeding 60 000 kg per annum (wet weight);

Activity number	Activity description
	excluding where the development of such facilities, infrastructure or structures is for purposes of sea-based cage culture in which case activity 7 in this Notice applies.
7.	The development and related operation of facilities, infrastructure or structures for aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians, molluscs, echinoderms and aquatic plants, where the facility, infrastructure or structures will have a production output exceeding 50 000 kg per annum (wet weight).
8.	The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.
9.	<p>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; <p>excluding where—</p> <ul style="list-style-type: none"> (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.
10.	<p>The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –</p> <ul style="list-style-type: none"> (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; <p>excluding where—</p> <ul style="list-style-type: none"> (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.
11.	<p>The development of facilities or infrastructure for the transmission and distribution of electricity—</p> <ul style="list-style-type: none"> (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or

Activity number	Activity description
	<p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;</p> <p>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is—</p> <p>(a) temporarily required to allow for maintenance of existing infrastructure;</p> <p>(b) 2 kilometres or shorter in length;</p> <p>(c) within an existing transmission line servitude; and</p> <p>(d) will be removed within 18 months of the commencement of development.</p>
12.	<p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p>

Activity number	Activity description
	(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared. <i>(Activity 12(ff) amended by regulation 27(g) of GN 517 dated 11 June 2021)</i>
13.	The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.
14.	The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.
15.	The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding— <ul style="list-style-type: none"> (i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies.
16.	The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.
17.	Development— <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways;

Activity number	Activity description
	<p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p>(e) infrastructure or structures with a development footprint of 50 square metres or more —</p> <p>but excluding—</p> <p>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(dd) where such development occurs within an urban area.</p>
18.	<p>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —</p> <p>(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or</p> <p>(ii) such planting of vegetation or placing of material will occur behind a development setback.</p>
19.	<p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p>

Activity number	Activity description
	(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
19A.	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <ul style="list-style-type: none"> (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea; — <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (f) will occur behind a development setback; (g) is for maintenance purposes undertaken in accordance with a maintenance management plan; (h) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p><i>(Publisher's note – Numbering as published in Gazette No. 40772)</i></p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>
20.	<p>Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the prospecting right.</p> <p><i>(Activity 20 substituted by regulation 27(h) of GN 517 dated 11 June 2021)</i></p>
21.	<p>Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the mining permit.</p> <p><i>(Activity 21 substituted by regulation 27(i) of GN 517 dated 11 June 2021)</i></p>

Activity number	Activity description
21A.	<p>Any activity including the operation of that activity which requires a reconnaissance permission in terms of section 13 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the reconnaissance permission, excluding—</p> <ul style="list-style-type: none"> (a) any desktop study; and (b) any arial[sic] survey. <p><i>(Activity 21A inserted by regulation 27(j) of GN 517 dated 11 June 2021)</i></p>
21B.	<p>Any activity including the operation of that activity which requires a reconnaissance permit in terms of section 74 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the reconnaissance permit, excluding—</p> <ul style="list-style-type: none"> (a) any desktop study; and (b) any arial survey. <p><i>(Activity 21B inserted by regulation 27(j) of GN 517 dated 11 June 2021)</i></p>
21C.	<p>Any activity including the operation of that activity associated with an onshore seismic survey which requires an exploration right in terms of section 79 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the exploration right, excluding—</p> <ul style="list-style-type: none"> (a) any desktop study, (b) any arial survey, and (c) a hydraulic fracturing activity which is included in activity 20A in Listing Notice 2 of 2014, in which case that activity applies. <p><i>(Activity 21C inserted by regulation 27(j) of GN 517 dated 11 June 2021)</i></p>
21D.	<p>Any activity including the operation of that activity which requires an amendment or variation to a right or permit in terms of section 102 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity contained in this Listing Notice or in Listing Notice 3 of 2014, required for such amendment.</p> <p><i>(Activity 21D inserted by regulation 27(j) of GN 517 dated 11 June 2021)</i></p>

Activity number	Activity description
21E.	<p>Any activity including the operation of that activity for which the Minister responsible for mineral resources has issued an exemption in a Government Notice in terms of section 106(1) of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required for the exercising of such exempted activity.</p> <p><i>(Activity 21E inserted by regulation 27(j) of GN 517 dated 11 June 2021, with effect from 11 December 2021)</i></p>
21F.	<p>Any activity including the operation of that activity required for the reclamation of a residue stockpile or a residue deposit as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required for the reclamation of a residue stockpile or a residue deposit.</p> <p><i>(Activity 21F inserted by regulation 27(j) of GN 517 dated 11 June 2021, with effect from a date to be published by Notice in the Gazette)</i></p>
22.	<p>.....</p> <p><i>(Activity 22 deleted by regulation 27(k) of GN 517 dated 11 June 2021)</i></p>
23.	The development of cemeteries of 2 500 square metres or more in size.
24.	<p>The development of a road—</p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; <p>but excluding a road—</p> <ul style="list-style-type: none"> (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter.
25.	The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.
26.	Residential, retail, recreational, tourism, commercial or institutional developments of 1 000 square metres or more, on land previously used for mining or heavy industrial purposes; —

Activity number	Activity description
	<p>excluding —</p> <ul style="list-style-type: none"> (i) where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or (ii) where an environmental authorisation has been obtained for the decommissioning and closure of such an industry in terms of this Notice or any previous NEMA notice; or <i>(Activity 26(ii) substituted by regulation 27(l) of GN 517 dated 11 June 2021)</i> (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land.
27.	<p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
28.	<p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>
29.	<p>The release of genetically modified organisms into the environment, where assessment for such release is required by the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) or the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>
30.	<p>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>
31.	<p>The closure of existing facilities, structures, or infrastructure for—</p> <ul style="list-style-type: none"> (i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (iii)

Activity number	Activity description
	<p>(iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or</p> <p>(v) any activity regardless the time the activity was commenced with, where such activity:</p> <p>(a) is similarly listed to an activity in (i) or (ii) above; and</p> <p>(b) is still in operation or development is in progress;</p> <p>excluding where—</p> <p>(aa)</p> <p>(bb) the closure is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as decommissioning, in which case the National Environmental Management: Waste Act, 2008 applies; or</p> <p>(cc) such closure forms part of a mining application, in which case the requirements of the Financial Provisioning Regulations apply.</p> <p><i>(Activity 31 substituted by regulation 27(m) of GN 517 dated 11 June 2021)</i></p>
32.	The continuation of any development where the environmental authorisation has lapsed and where the continuation of the development, after the date the environmental authorisation has lapsed, will meet the threshold of any activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014.
33.	The underground gasification of 300 kilograms or more coal per day, including any associated operation.
34.	<p>The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding—</p> <p>(i) where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;</p> <p>(ii) the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or</p> <p>(iii) the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.</p>

Activity number	Activity description
35.	<p>The expansion of residential, retail, recreational, tourism, commercial or institutional developments on land previously used for mining or heavy industrial purposes, where the increased development footprint will exceed 1 000 square meters;</p> <p>excluding—</p> <ul style="list-style-type: none"> (i) where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or (ii) where an environmental authorisation has been obtained for the decommissioning and closure of such an industry in terms of this Notice or any previous NEMA notice; or <p style="text-align: center;"><i>(Activity 35(ii) substituted by regulation 27(n) of GN 517 dated 11 June 2021)</i></p> <ul style="list-style-type: none"> (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land.
36.	<p>The expansion of facilities or structures for the generation of electricity from a renewable resource where—</p> <ul style="list-style-type: none"> (i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or (ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more; <p>excluding where such expansion of facilities or structures is for photovoltaic installations and occurs—</p> <ul style="list-style-type: none"> (a) within an urban area; or (b) on existing infrastructure.
37.	<p>The expansion and related operation of facilities for the generation of electricity from a non-renewable resource where—</p> <ul style="list-style-type: none"> (i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or (ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more.
38.	<p>The expansion and related operation of facilities for the slaughter of animals where the daily product throughput will be increased by more than—</p>

Activity number	Activity description
	<ul style="list-style-type: none"> (i) 50 poultry; (ii) 6 units of reptiles, red meat and game; or (iii) 20 000 kg wet weight per annum of fish, crustaceans or amphibians.
39.	<p>The expansion and related operation of facilities for the concentration of animals in densities that will exceed—</p> <ul style="list-style-type: none"> (i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units; (ii) 8 square meters per small stock unit, where the expansion will constitute more than; <ul style="list-style-type: none"> (a) 1 000 additional units per facility or more excluding pigs where (b) applies; or (b) 250 additional pigs, excluding piglets that are not yet weaned; (iii) 30 square metres per crocodile where the expansion will constitute an additional 20 crocodiles or more; (iv) 3 square metres per rabbit where the expansion will constitute more than 500 additional rabbits; or (v) 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus.
40.	<p>The expansion and related operation of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by—</p> <ul style="list-style-type: none"> (i) more than 1 000 poultry where the facility is situated within an urban area; or (ii) more than 5 000 poultry per facility situated outside an urban area.
41.	<p>The expansion and related operation of facilities, infrastructure or structures for aquaculture of—</p> <ul style="list-style-type: none"> (i) finfish, crustaceans, reptiles or amphibians, where the annual production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more; (ii) molluscs and echinoderms where the annual production output of such facility, infrastructure or structures will be increased by 30 000 kg (wet weight) or more; or (iii) aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more; <p>excluding where the expansion of facilities, infrastructure or structures is for purposes of sea-based cage culture in which case activity 42 in this Notice will applies.</p>

Activity number	Activity description
42.	The expansion and related operation of facilities, infrastructure or structures for aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians, molluscs, echinoderms and aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.
43.	The expansion and related operation of hatcheries or agri-industrial facilities outside industrial complexes, where the development footprint of the hatcheries or agri-industrial facilities will be increased by 2 000 square metres or more.
44.	The expansion of cemeteries by 2 500 square metres or more.
45.	<p>The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—</p> <ul style="list-style-type: none"> (i) has an internal diameter of 0,36 metres or more; or (ii) has a peak throughput of 120 litres per second or more; and <ul style="list-style-type: none"> (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more; <p>excluding where such expansion—</p> <ul style="list-style-type: none"> (aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or (bb) will occur within an urban area.
46.	<p>The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—</p> <ul style="list-style-type: none"> (i) has an internal diameter of 0,36 metres or more; or (ii) has a peak throughput of 120 litres per second or more; and <ul style="list-style-type: none"> (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more; <p>excluding where such expansion—</p> <ul style="list-style-type: none"> (aa) relates to the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve or railway line reserve; or

Activity number	Activity description
	(bb) will occur within an urban area.
47.	The expansion of facilities or infrastructure for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.
48.	<p>The expansion of—</p> <ul style="list-style-type: none"> (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; <p>where such expansion occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding—</p> <ul style="list-style-type: none"> (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 23 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.
<i>(Paragraph (cc) of Activity 48 amended by regulation 6(b) of Government Notice 706 in Government Gazette 41766 dated 13 July 2018)</i>	
49.
50.	The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.

Activity number	Activity description
51.	The expansion and related operation of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres.
52.	The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies.
53.	The expansion and related operation of facilities for the desalination of water where the design capacity will be expanded to produce an additional 100 cubic metres or more of treated water per day.
54.	<p>The expansion of facilities—</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; <p>in respect of—</p> <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more, <p>but excluding—</p> <ul style="list-style-type: none"> (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or

Activity number	Activity description
	(bb) where such expansion occurs within an urban area.
55.	<p>Expansion—</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; <p>in respect of —</p> <ul style="list-style-type: none"> (a) facilities associated with the arrival and departure of vessels and the handling of cargo; (b) piers; (c) inter- and sub-tidal structures for entrapment of sand; (d) breakwater structures; (e) coastal marinas; (f) coastal harbours or ports; (g) tunnels; or (h) underwater channels; <p>but excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p>
56.	<p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <ul style="list-style-type: none"> (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres;

Activity number	Activity description
	excluding where widening or lengthening occur inside urban areas.
57.	The expansion and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage where the capacity will be increased by 15 000 cubic metres or more per day and the development footprint will increase by 1 000 square meters or more.
58.	The increase of the amount of coal gasified underground, where any such increase exceeds 300 kg per day, including any associated operation.
59.	The expansion and related operation of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the facility will be increased by 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.
60.	The expansion and related operation of facilities or infrastructure for the bulk transportation of dangerous goods— (i) in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day; (ii) in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or (iii) in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.
61.	The expansion of airports where the development footprint will be increased.
62.
63.	The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following— (i) water catchments; (ii) water treatment works; or (iii) impoundments; where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.
64.	The expansion of railway lines, stations or shunting yards where there will be an increased development footprint, excluding— (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in mines; or (iii) additional railway lines within the railway line reserve.
65.	The expansion and related operation of—

Activity number	Activity description
	<p>(i) an anchored platform; or</p> <p>(ii) any other structure or infrastructure;</p> <p>on or along the sea bed, where the expansion will constitute an increased development footprint, excluding expansion of facilities, infrastructure or structures for aquaculture purposes.</p>
66.	<p>The expansion of a dam where—</p> <p>(i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or</p> <p>(ii) where the high-water mark of the dam will be increased with 10 hectares or more.</p>
66A.	<p>The expansion and related operation of hydraulic fracturing, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required for hydraulic fracturing expansion and related operation.</p> <p><i>(Activity 66A inserted by regulation 27(o) of GN 517 dated 11 June 2021)</i></p>
67.	<p>Phased activities for all activities—</p> <p>(i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;</p> <p>excluding the following activities listed in this Notice—</p> <p>17(i)(a-d);</p> <p>17(ii)(a-d);</p> <p>17(iii)(a-d);</p> <p>17(iv)(a-d);</p> <p>17(v)(a-d);</p> <p>20;</p> <p>21;</p>

Activity number	Activity description
	<p>.....(Number 22 deleted by regulation 27(p) of GN 517 dated 11 June 2021)</p> <p>24(i);</p> <p>29;</p> <p>30;</p> <p>31;</p> <p>32;</p> <p>34;</p> <p>54(i)(a-d);</p> <p>54(ii)(a-d);</p> <p>54(iii)(a-d);</p> <p>54(iv)(a-d);</p> <p>54(v)(a-d);</p> <p>55;</p> <p>61;</p> <p>64; and</p> <p>65; or</p> <p>(ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;</p> <p>where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>