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The relationship between planning and environmental management in Gauteng

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No. R. 387 **21 April 2006**

LIST OF ACTIVITIES AND COMPETENT AUTHORITIES IDENTIFIED IN TERMS OF SECTIONS 24 AND 24D OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

The Minister of Environmental Affairs and Tourism has in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), listed the activities in the Schedule.

This Notice comes into effect on the date of commencement 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.

Definitions

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 -

"asbestos" means any fibrous mineral silicates, including actinolite, amosite, anthophyllite, chrysotile, crocodolite or tremolite;

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"associated structures or infrastructure" means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility;

"construction" means 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 that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure;

"dangerous goods" 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;

"expansion" means 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;

"exploration area" means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"exploration right" means the rights as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"filling station" 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;

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"high-water mark" 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;

"mine" used as a noun or a verb as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"mineral" means a mineral as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

"mining area" means an area as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"mining operation" means an operation as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"mining right" means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"petroleum" means any liquid, solid hydrocarbon or combustible gas as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"production area" means an area as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

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"**production operation**" means an operation as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"**production right**" means a right as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended;

"**sea**" 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;

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

"**the regulations**" means he Environmental Impact Assessment Regulations, 2006.

SCHEDULE

ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (d) OF THE ACT, WHICH MAY NOT COMMENCE WITHOUT ENVIRONMENTAL AUTHORISATION FROM THE COMPETENT AUTHORITY AND IN RESPECT OF WHICH THE INVESTIGATION, ASSESSMENT AND COMMUNICATION OF POTENTIAL IMPACT OF ACTIVITIES MUST FOLLOW THE PROCEDURE AS DESCRIBED IN REGULATIONS 27 TO 36 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2006, PROMULGATED IN TERMS OF SECTION 24(5) OF THE ACT -

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Activity number	**Activity description**	**Identification of competent authority**
1	The construction of facilities or infrastructure, including associated structures or infrastructure, for - (a) the generation of electricity where – (i) the electricity output is 20 megawatts or more; or (ii) the elements of the facility cover a combined area in excess of 1 hectare; (b) nuclear reaction including the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products and waste; (c) 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; (d) the refining of gas, oil and petroleum products; (e) 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	The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended.

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	which is not identified in Government Notice No. R. 386 of 2006; (f) 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; (g) the use, recycling, handling, treatment, storage or final disposal of hazardous waste; (h) the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives; (i) the extraction or processing of natural gas including gas from landfill sites; (j) 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; (k) the landing, parking and maintenance of aircraft, excluding unpaved landing strips shorter than 1,4 kilometres in length, but including - (i) airports; (ii) runways; (iii) waterways; or (iv) structures for engine testing; (l) the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more; (m) marine telecommunications;	

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	(n) the transfer of 20 000 cubic metres or more water between water catchments or impoundments per day; (o) the final disposal of general waste covering an area of 100 square metres or more or 200 cubic metres or more of airspace; (p) the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more; (q) the incineration, burning, evaporation, thermal treatment, roasting or heat sterilisation of waste or effluent, including the cremation of human or animal tissue; (r) the microbial deactivation, chemical sterilisation or non-thermal treatment of waste or effluent; (s) 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; (t) any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.	
2	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.	

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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.	
4	The extraction of peat.	
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 – (a) 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); (b) it is a road administered by a provincial authority; (c) the road reserve is wider than 30 metres; or (d) the road will cater for more than one lane of traffic in both directions.	
6	The construction of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.	

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7	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.	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.
8	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).	

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9	Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, excluding an activity listed in item 2 of Government Notice No. R. 386 of 2006 but including construction or earth moving activities in respect of – (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) rock revetments and other stabilising structures; (f) coastal marinas; (g) coastal harbours; (h) structures for draining parts of the sea; (i) tunnels; or (j) underwater channels.	The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1) of the Act, as amended.
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).	