

Yellow highlighting indicates the latest amendments annotated and are in force.

Grey highlighting indicates proposed amendments which are not in force.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014

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GN 517	GG 44701	20210611	w.e.f. 11 June 2021

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to environmental impact assessments, under [sections 24\(5\)](#) and [44](#) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

(Signed)

BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

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CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

1. Interpretation

- (1) In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context requires otherwise-

"activity" means an activity identified in any notice published by the Minister or MEC in terms of [section 24D](#)(1)(a) of the Act as a listed activity or specified activity;

"agreement" means the Agreement as contemplated in [section 50A](#)(2) of the Act;

[Definition of "agreement" substituted by GN 326/2017]

"alternatives", in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the-

- (a) property on which or location where the activity is proposed to be undertaken;
- (b) type of activity to be undertaken;
- (c) design or layout of the activity;
- (d) technology to be used in the activity; or
- (e) operational aspects of the activity;

and includes the option of not implementing the activity;

"application" means an application for an-

- (a) environmental authorisation in terms of [Chapter 4](#) of these Regulations;
- (b) amendment of an environmental authorisation in terms of [Chapter 5](#) of these Regulations;
[Para. (b) substituted by GN 326/2017]
- (c) amendment of an EMP in terms of [Chapter 5](#) of these Regulations; or
[Para. (c) substituted by GN 326/2017]
- (d) amendment of a closure plan in terms of [Chapter 5](#) of these Regulations;

"basic assessment report" means a report contemplated in [regulation 19](#);

"closure plan" means a plan contemplated in [regulation 19](#) and [regulation 23](#);

[Definition of "closure plan" amended by GN 517/2021]

"cumulative impact", in relation to an activity, means the past, current and reasonably foreseeable future impact of an activity, considered together with the impact of activities associated with that activity, that in itself may not be significant, but may become significant when added to the existing and reasonably foreseeable impacts eventuating from similar or diverse activities;

"EAP" means an environmental assessment practitioner as defined in [section 1](#) of the Act;

"EMPr" means an environmental management programme contemplated in [regulations 19](#) and [23](#);

"environmental audit report" means a report contemplated in [regulation 34](#);

"environmental impact assessment" means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR;

"environmental impact assessment report" means a report contemplated in [regulation 23](#);

"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 GN 517/2021]

"independent", in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

- (a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
- (b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work;

excluding-

- (i) normal remuneration for a specialist permanently employed by the EAP; or
- (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

"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 GN 326/2017]

"mineral" has the meaning assigned to it in terms of [section 1](#) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

[Definition of "mineral" inserted by GN 517/2021]

"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, 2002 (Act No. 28 of 2002) and includes hydraulic fracturing and reclamation;

[Definition of "mining application" inserted by GN 517/2021]

"minimum information requirements"

[Definition of "minimum information requirements" deleted by GN 326/2017]

"mitigation" means to anticipate and prevent negative impacts and risks, then to minimise them, rehabilitate or repair impacts to the extent feasible;

"National Appeal Regulations" means the national appeal regulations published in terms of [section 43](#)(4) and [44](#) of the Act;

"petroleum" has the meaning assigned to it in terms of [section 1](#) of the Mineral and Petroleum Resources Development, 2002 (Act No. 28 of 2002);

[Definition of "petroleum" inserted by GN 517/2021]

"ocean-based activity"

[Definition of "ocean-based activity" deleted by GN 326/2017]

"plan of study for environmental impact assessment" means a study contemplated in [regulation 22](#) which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"receipt" means receipt on the date indicated-

- (a) on a receipt form if the application or document was hand delivered or sent via registered mail;
- (b) in an automated or computer generated acknowledgment of receipt;
- (c) on an acknowledgement in writing from the competent authority as the date of receipt if the application or document was sent via ordinary mail; or
- (d) on an automated or computer generated proof of transmission in the case of a facsimile message;

"registered environmental assessment practitioner or registered EAP" means an environmental assessment practitioner registered with an appointed registration authority contemplated in [section 24H](#) of the Act;

"registered interested and affected party", in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of [regulation 42](#);

"scoping report" means a report contemplated in [regulation 21](#);

"S&EIR" means the scoping and environmental impact reporting process contemplated in [regulation 21](#) to [regulation 24](#);

"significant impact" means an impact that may have a notable effect on one or more aspects of the environment or may result in non-compliance with accepted environmental quality standards, thresholds or targets and is determined through rating the positive and negative effects of an impact on the environment based on criteria such as duration, magnitude, intensity and probability of occurrence;

"specialist" means a person that is generally recognised within the scientific community as having the capability of undertaking, in conformance with generally recognised scientific principles, specialist studies or preparing specialist reports, including due diligence studies and socio-economic studies;

"State department" means any department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment; and

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

- (2) Any reference in these Regulations to an environmental assessment practitioner will, from a date determined by the Minister by notice in the *Gazette*, be deemed to be a reference to a registered environmental assessment practitioner, as defined.

[Sub-reg. (2) substituted by GN 326/2017]

2. Purpose of Regulations

The purpose of these Regulations is to regulate the procedure and criteria as contemplated in [Chapter 5](#) of the Act relating to the preparation, evaluation, submission, processing and consideration of, and decision on, applications for environmental authorisations for the commencement of activities, subjected to environmental impact assessment, in order to avoid or mitigate detrimental impacts on the environment, and to optimise positive environmental impacts, and for matters pertaining thereto.

CHAPTER 2 TIMEFRAMES

3. Timeframes

- (1) Subject to sub-regulations (2) and (3), when a period of days must in terms of these Regulations be reckoned from or after a particular day, that period must be

reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday.

- (2) For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the period of 15 December to 5 January must be excluded in the reckoning of days.
- (3) Unless justified by exceptional circumstances, as agreed to by the competent authority, the proponent and applicant must refrain from conducting any public participation process during the period of 15 December to 5 January.
- (4) When a State department is requested to comment in terms of these Regulations, such State department must submit its comments in writing within 30 days from the date on which it was requested to submit comments and if such State department fails to submit comments within such 30 days, it will be regarded that such State department has no comments.
- (5) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.
- (6) The competent authority must acknowledge receipt of all applications and documents contemplated in [regulations 16, 19, 21, 23, 29, 31 and 34](#) within 10 days of receipt thereof.
[Sub-reg. (6) substituted by GN 326/2017]
- (7) In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension.
- (8) Any public participation process must be conducted for a period of at least 30 days.

4. Notification of decision on application

- (1) Unless indicated otherwise, after a competent authority has reached a decision on an application, the competent authority must, in writing and within 5 days-
[Words preceding para. (a) substituted by GN 326/2017]
 - (a) provide the applicant with the decision;
 - (b) give reasons for the decision to the applicant; and

- (c) where applicable, draw the attention of the applicant to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, if such appeal is available in the circumstances of the decision.
[Para. (c) substituted by GN 326/2017]
- (2) The applicant must, in writing, within 14 days of the date of the decision on the application ensure that-
[Words preceding para. (a) substituted by GN 326/2017]
 - (a) all registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
 - (b) the attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, if such appeal is available in the circumstances of the decision.
- (3) For the purpose of this regulation, the decision includes the complete environmental authorisation granted or refused.

CHAPTER 3

GENERAL REQUIREMENTS FOR APPLICATIONS

5. General

- (1) All applications in terms of these Regulations must be decided upon by a competent authority.
- (2) The competent authority, who must consider and decide upon an application in respect of a listed activity or specified activity, must be determined with reference to the notice published under [section 24D\(1\)](#) and any agreement in terms of [section 24C\(3\)](#) of the Act.
- (3) A competent authority must keep-
 - (a) a register of all applications received by the competent authority in terms of these Regulations;
 - (b) a register of all decisions in respect of environmental authorisations;
 - (c) copies of all applications; and
 - (d) copies of all decisions.
- (4) When a national electronic system is provided for the recording of applications for environmental authorisation, this system must be used by all competent authorities to keep the records referred to in sub-regulation (3)(a) and (b).
- (5) When a national electronic system is provided for the submission of applications for environmental authorisation, this system must be used by all applicants.

- (6) When providing coordinates as part of the information submitted regarding the location of an activity as part of an application for environmental authorisation, such coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system.

6. Where to submit application

- (1) An application for an environmental authorisation or environmental authorisations for the commencement of an activity must be made to the competent authority referred to in [regulation 5](#).
- (2) If the Minister is the competent authority in respect of an application, the application must be submitted to the Department.
- (3) If an MEC is the competent authority in respect of an application, the application must be submitted to the provincial department responsible for environmental affairs in that province.
- (4) If the Minister, Minister responsible for mineral resources or MEC has, in terms of [section 42](#), [42B](#) or [42A](#) respectively of the Act, delegated any powers or duties of a competent authority in relation to an application, the application must be submitted to the person or authority to whom the powers had been delegated.
- (5) If the Minister responsible for mineral resources is the competent authority in respect of an application, the application must be submitted to:-
- (a) the relevant office of the Department responsible for mineral resources as identified by that Department where the application relates to a mineral resource; and
- (b) the relevant office of the designated Agency where the application relates to a petroleum resource.

[Subreg. (5) substituted by GN 517/2021]

Part 1 Duties of competent authority

7. Consultation between competent authority and organs of state administering a law relating to a matter affecting the environment

- (1) Where an agreement has been reached in order to give effect to [Chapter 3](#) of the Constitution of the Republic of South Africa, 1996 and [sections 24\(4\)\(a\)\(i\)](#), [24K](#) and [24L](#) of the Act, and where such agreement is applicable to an application, such application must be dealt with in accordance with such agreement.
- (2) The competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that

application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation.

- (3) Where an applicant submits an application for environmental authorisation in terms of these Regulations and an application for an authorisation, permit or licence in terms of a specific environmental management Act or any other legislation, the competent authority and the authority empowered under such specific environmental management Act or other legislation must manage the respective processes in a cooperative governance manner.
- (4) Where the processes prescribed in terms of these Regulations are used to inform applications in terms of other legislation, application processes must be aligned to run concurrently.
- (5) Where a competent authority is requested by an applicant to comment in terms of these Regulations, such competent authority must submit its comments within 30 days.

8. Guidance by competent authority to proponent or applicant

A competent authority, subject to the payment of any reasonable charges, if applicable-

- (a) may advise or instruct the proponent or applicant of the nature and extent of any of the processes that may or must be followed or decision support tools that must be used in order to comply with the Act and these Regulations;
- (b) must advise the proponent or applicant of any matter that may prejudice the success of an application;
- (c) must, on written request, furnish the proponent or applicant with officially adopted minutes of any official meeting held between the competent authority and the proponent, applicant or EAP; and
- (d) must, on written request, provide access to the officially adopted minutes of meetings contemplated in paragraph (c), to any registered interested or affected party.

9. Format of forms

The format of any application form must be determined by the competent authority and must include, once established, the national sector classification of the activity applied for.

Part 2 Duties of proponents and applicants

10. Competent authorities' right of access to information

An applicant must-

- (a) use the application form contemplated in [regulation 9](#) when submitting an application in terms of these Regulations;
- (b) comply with any protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice; and
[Para. (b) substituted by GN 326/2017]
- (c) provide the competent authority with all information that reasonably has or may have the potential of influencing any decision with regard to an application.

11. Combination of applications

- (1) If a proponent or proponents intend to undertake one or more than one activity of the same type at different locations within the area of jurisdiction of a competent authority, the competent authority may, on written request, grant permission for the submission of a single application.
- (2) If the competent authority grants permission in terms of sub-regulation (1), the application must be dealt with as a consolidated assessment process, but the potential environmental impacts of each activity must be considered in terms of the location where the activity is to be undertaken.
- (3) If a proponent or applicant intends undertaking more than one activity as part of the same development within the area of jurisdiction of a competent authority, a single application must be submitted for such development and the assessment of impacts, including cumulative impacts, where applicable, and consideration of the application, undertaken in terms of these Regulations, will include an assessment of all such activities forming part of the development.
- (4) If one or more proponents intend undertaking interrelated activities at the same or different locations within the area of jurisdiction of a competent authority, the competent authority may, in writing, agree that the proponent or proponents submit a single application in respect of all of those activities and to conduct a consolidated assessment process but the potential environmental impacts of each activity, including its cumulative impacts, must be considered in terms of the location where the activity is to be undertaken.
- (5) Where a combined application is submitted as contemplated in these Regulations, the proponent must, prior to submission of the application, confirm with the competent authority the fee payable in terms of the applicable regulations for such combined application.

12. Appointment of EAPs and specialists

- (1) A proponent or applicant must appoint an EAP at own cost to manage the application: Provided that an EAP need not be appointed for an application to amend an environmental authorisation where no environmental impact assessment or part thereof is required as part of such amendment application.
[Sub-reg. (1) substituted by GN 326/2017]

- (2) In addition to the appointment of an EAP, a specialist may be appointed, at the cost of the proponent or applicant, if the level of assessment is of a nature requiring the appointment of a specialist.
- (3) The proponent or applicant must-
 - (a) take all reasonable steps to verify whether the EAP and specialist complies with [regulation 13](#)(1)(a) and (b); and
 - (b) provide the EAP and specialist with access to all information at the disposal of the proponent or applicant regarding the application, whether or not such information is favourable to the application.

13. General requirements for EAPs and specialists

- (1) An EAP and a specialist, appointed in terms of [regulation 12](#)(1) or 12(2), must-
 - (a) be independent;
 - (b) have expertise in conducting environmental impact assessments or undertaking specialist work as required, including knowledge of the Act, these Regulations and any guidelines that have relevance to the proposed activity;
 - (c) ensure compliance with these Regulations;
 - (d) perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the application;
 - (e) take into account, to the extent possible, the matters referred to in [regulation 18](#) when preparing the application and any report, plan or document relating to the application; and
 - (f) disclose to the proponent or applicant, registered interested and affected parties and the competent authority all material information in the possession of the EAP and, where applicable, the specialist, that reasonably has or may have the potential of influencing-
 - (i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or
 - (ii) the objectivity of any report, plan or document to be prepared by the EAP or specialist, in terms of these Regulations for submission to the competent authority;

unless access to that information is protected by law, in which case it must be indicated that such protected information exists and is only provided to the competent authority.

- (2) In the event where the EAP or specialist does not comply with sub-regulation (1)(a), the proponent or applicant must, prior to conducting public participation as contemplated in [Chapter 6](#) of these Regulations, appoint another EAP or specialist to externally review all work undertaken by the EAP or specialist, at the applicant's cost.

[Sub-reg. (2) substituted by GN 326/2017]

- (3) An EAP or specialist appointed to externally review the work of an EAP or specialist as contemplated in sub-regulation (2), must comply with sub-regulation (1)(a).

[Sub-reg. (3) substituted by GN 326/2017]

14. Disqualification of EAPs and specialists

- (1) If the competent authority at any stage of considering an application has reason to believe that the EAP or specialist is not complying or has not complied with the requirements of [regulation 13](#) in respect of the application, other than circumstances where the requirement of independence in [regulation 13](#)(1)(a) has been met by compliance with [regulation 13](#)(2) and (3), the competent authority may-
- (a) notify the EAP or specialist and the applicant of the reasons therefore, that the application is suspended until the matter is resolved and the extended timeframe for the processing of the application; and
 - (b) afford the EAP or specialist and the applicant an opportunity to make representations to the competent authority regarding the suspected non-compliance with the requirements of [regulation 13](#) of the EAP or specialist, in writing.
- (2) Other than circumstances where the requirement of independence in [regulation 13](#)(1)(a) has been met by compliance with [regulation 13](#)(2) and (3), an interested and affected party may notify the competent authority of any suspected non-compliance with [regulation 13](#).
- (3) Where an interested and affected party notifies the competent authority of suspected noncompliance in terms of sub-regulation (2), the competent authority must investigate the allegation promptly.
- (4) The notification referred to in sub-regulation (2) must be submitted in writing and must contain documentation supporting the allegation, which is referred to in the notification.
- (5) If, after considering the matter, there is reason for the competent authority to believe that there is non-compliance with [regulation 13](#) by the EAP or specialist, the competent authority must, in writing, inform the interested and affected party who notified the competent authority in terms of sub-regulation (2), the EAP or specialist and the applicant accordingly and may-

- (a) refuse to accept any further reports, plans, documents or input from the EAP or specialist in respect of the application in question;
- (b) request the applicant to-
 - (i) commission, at own cost, an external review, by another EAP or specialist that complies with the requirements of [regulation 13](#), of any reports, plans or documents prepared or processes conducted in connection with the application;
 - (ii) appoint another EAP or specialist that complies with the requirements of [regulation 13](#) to redo any specific aspects of the work done by the previous EAP or specialist in connection with the application or to complete any unfinished work in connection with the application; or
 - (iii) take such action as the competent authority requires to remedy the defects; or
[Sub-para. (iii) amended by GN 326/2017]
- (c) act in accordance with both paragraphs (a) and (b); and
[Para. (c) inserted by GN 326/2017]

indicate the actions to be completed and associated timeframes in order to finalise the application.

[Words following para. (c) inserted by GN 326/2017]

- (6) If the application has reached a stage where a register of interested and affected parties has been opened in terms of [regulation 42](#), the applicant must, within 7 days from the suspension in terms of sub-regulation (1)(a), a decision in terms of sub-regulation (5)(a), a request in terms of sub-regulation (5)(b), or both such decision and request in terms of sub-regulation (5)(c), inform all registered interested and affected parties of such suspension, decision or actions to be completed in order to finalise the application.
[Sub-reg. (6) substituted by GN 326/2017 and GN 706/2018]

15. Determination of assessment process applicable to application

- (1) An EAP must identify whether basic assessment or S&EIR must be applied to the application, taking into account-
 - (a) any notices published in terms of [section 24D](#) of the Act;
 - (b) any guidelines applicable to the application process or activity which is the subject of the application; and
 - (c) any advice given by the competent authority in terms of [regulation 8](#).
- (2) An application must be managed in accordance with-
 - (a) [regulation 19](#) and [20](#) if basic assessment must be applied to the application or when identified and gazetted by the Minister in a government notice; or

[Para. (a) substituted by GN 326/2017]

- (b) [regulation 21](#) to [24](#) if S&EIR must be applied to the application.
- (3) S&EIR must be applied to an application if the application is for two or more activities as part of the same development for which S&EIR must already be applied in respect of any of the activities.

CHAPTER 4

APPLICATION FOR ENVIRONMENTAL AUTHORISATION

Part 1

General

16. General application requirements

- (1) An application for an environmental authorisation must-
 - (a) be made on an official application form obtainable from the relevant competent authority; and
 - (b) when submitted in terms of [regulation 19](#) or [21](#), be accompanied by-
 - (i) unless [regulation 39](#)(2) applies, the written consent referred to in [regulation 39](#)(1), if the applicant is not the owner or person in control of the land on which the activity is to be undertaken;
 - (ii) proof of payment of the prescribed application fee, if any;
 - (iii) a declaration of interest by the EAP or specialist, which EAP or specialist meets all the requirements contemplated in [regulation 13](#);
 - (iv) an undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct;
 - (v) the report generated by the national web based environmental screening tool, once this tool is operational;
 - (vi) a description of the location of the development footprint of the activity, including
[Words preceding item (aa) substituted by GN 326/2017]
 - (aa) the 21 digit Surveyor General code of each cadastral land parcel,
 - (bb) where available, the physical address or farm name,

- (cc) where the required information in sub-regulation (aa) and (bb) is not available, the coordinates of the boundary of the property or properties,
- (vii) a plan which locates the proposed activity or activities applied for at an appropriate scale, or if it is-
 - (aa) a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is proposed; or
 - (bb) on land where the property has not been defined, the coordinates of the area within which the activity is proposed; and
[Item (bb) amended by GN 326/2017]
- (viii)
[Sub-para. (viii) deleted by GN 326/2017]

(ix) proof of acceptance of an application for any right, permission, permit or consent in terms of the Mineral and Petroleum Resources Development Act, 2002, where the application is a mining application.

[Subpara. (ix) substituted by GN 517/2021]

(2) An application for an environmental authorisation may-

- (a) where applicable, only be submitted after the acceptance of an application for any right, permission, permit or consent in terms of the Mineral and Petroleum Resources Development Act, 2002;

[Para. (a) substituted by GN 517/2021]

- (b) where [section 24L](#) of the Act applies, be submitted in the manner as agreed to by the relevant authorities.

(3) Any report, plan or document submitted as part of an application must-

- (a) comply with any protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice;

[Para. (a) substituted by GN 326/2017]

- (b) be prepared in a format that may be determined by the competent authority; and
- (c) take into account any applicable government policies and plans, guidelines, environmental management instruments and other decision making instruments that have been adopted by the competent authority in respect of the application process or the kind of activity which is the subject of the

application and indicate how the relevant information has been considered, incorporated and utilised.

17. Checking of application for compliance with formal requirements

Upon receipt of an application, the competent authority must check whether the application-

- (a) is properly completed and that it contains the information required in the application form;
- (b) is accompanied by any other documents as required in terms of these Regulations; and
- (c) conforms to the requirements of these Regulations, any protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice or instructions or guidance provided by the competent authority to the submission of applications.

[Para. (c) substituted by GN 326/2017]

18. Criteria to be taken into account by competent authorities when considering applications

When considering an application the competent authority must have regard to [section 24O](#) and [24\(4\)](#) of the Act, the need for and desirability of the undertaking of the proposed activity, the requirements of these Regulations, any protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice or any relevant guideline published in terms of [section 24J](#) of the Act.

[Reg. 18 substituted by GN 326/2017]

Part 2 Basic assessment

19. Submission of basic assessment report and supporting documents to competent authority

[Heading of s. 19 substituted by GN 517/2021]

- (1) Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority-
 - (a) a basic assessment report, inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or

- (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised documents will be subjected to another public participation process of at least 30 days.

[Sub-reg. (1) amended by GN 326/2017 and substituted by GN 517/2021]

- (2) In the event where subregulation (1)(b) applies, the documents contemplated in subregulation 1(a), which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.

[Sub-reg. (2) substituted by GN 517/2021]

- (3) A basic assessment report must contain the information set out in [Appendix 1](#) to these Regulations or comply with a protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (3) substituted by GN 326/2017 and amended by GN 517/2021]

- (4) An EMPr must contain the information set out in [Appendix 4](#) to these Regulations or must be a generic EMPr relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (4) substituted by GN 326/2017 and amended by GN 517/2021]

- (5) A closure plan is required where the application for an environmental authorisation relates to the closure of a facility.

[Sub-reg. (5) amended by GN 517/2021]

- (6) A closure plan must contain the information set out in [Appendix 5](#) to these Regulations.

[Sub-reg. (6) substituted by GN 326/2017 and amended by GN 517/2021]

- (7) The content of a closure plan may be combined with the content of an EMPr on condition that the requirements of both Appendices 5 and 4, respectively, are met.

(7A)

[Sub-reg. (7A) inserted by GN 326/2017 and deleted by GN 517/2021]

- (8) A specialist report must contain all information set out in [Appendix 6](#) to these Regulations or comply with a protocol or minimum information requirement relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (8) substituted by GN 3226/2017]

20. Decision on basic assessment application

(1) The competent authority must within 107 days of receipt of the basic assessment report and the documents contemplated in [regulation 19](#)(1)(a), in writing-

(a) grant environmental authorisation in respect of all or part of the activity applied for; or

(b) refuse environmental authorisation.

[Sub-reg. (1) substituted by GN 517/2021]

(2) To the extent that authorisation is granted for an alternative, such alternative must, for the purposes of sub-regulation (1), be regarded as having been applied for, consulted on and its impacts investigated.

(3) On having reached a decision, the competent authority must comply with [regulation 4](#)(1), after which the applicant must comply with [regulation 4](#)(2).

(4)

[Sub-reg. (4) deleted by GN 517/2021]

Part 3 S&EIR

21. Submission of scoping report to competent authority

(1) If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.

(2) Subject to [regulation 46](#), and if the findings of the scoping report is still valid and the environmental context has not changed, the submission of a scoping report as contemplated in sub-regulation (1) need not be complied with-

(a) in cases where a scoping report was accepted as part of a previous application for environmental authorisation and the application has lapsed or was refused because of insufficient information;

[Para. (a) substituted by GN 326/2017]

(b) on condition that [regulation 16](#) is complied with and that such application is accompanied by proof that registered interested and affected parties, who participated in the public participation process conducted as part of the previous application, have been notified of this intended resubmission of the application prior to submission of such application;

(c) if the application contemplated in paragraph (b) is submitted by the same applicant for the same development, as applied for and lapsed or refused as contemplated in paragraph (a); and

[Para. (c) substituted by GN 326/2017]

- (d) if an environmental impact assessment report and the documents contemplated in [regulation 23](#)(1)(a), which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority, is submitted within a period of two years from the date of the acceptance of the scoping report contemplated in paragraph (a).

[Para. (d) substituted by GN 517/2021]

- (3) A scoping report must contain all information set out in [Appendix 2](#) to these Regulations or comply with a protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (3) substituted by GN 326/2017]

22. Consideration of scoping report

The competent authority must, within 43 days of receipt of a scoping report-

- (a) accept the scoping report, with or without conditions, and advise the applicant to proceed or continue with the tasks contemplated in the plan of study for environmental impact assessment; or
- (b) refuse environmental authorisation if-
 - (i) the proposed activity is in conflict with a prohibition contained in legislation; or
 - (ii) the scoping report does not substantially comply with [Appendix 2](#) to these Regulations or any applicable protocol or minimum information requirements as identified and gazetted by the minister in a government notice and the applicant is unwilling or unable to ensure compliance with these requirements within the prescribed timeframe.

[Sub-para. (ii) substituted by GN 326/2017]

23. Submission and consideration of environmental impact assessment report and supporting documents to competent authority

[Heading of reg. 23 substituted by GN 517/2021]

- (1) The applicant must within 106 days of the acceptance of the scoping report, or, where [regulation 21](#)(2) applies, within 106 days of the date of receipt of the application by the competent authority, submit to the competent authority-
 - (a) an environmental impact assessment report inclusive of any specialist reports, an EMP, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or

(b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where [regulation 21](#)(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days.

[Sub-reg. (1) amended by GN 326/2017, and substituted by GN 706/2018 and GN 517/2021]

(2) In the event where subregulation (1)(b) applies, the environmental impact assessment report inclusive of the documents contemplated in subregulation (1)(a), which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 156 days of the acceptance of the scoping report by the competent authority.

[Sub-reg. (2) substituted by GN 326/2017 and GN 517/2021]

(3) An environmental impact assessment report must contain all information set out in [Appendix 3](#) to these Regulations or comply with a protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (3) substituted by GN 326/2017 and amended by GN 517/2021]

(4) An EMPr must contain all information set out in [Appendix 4](#) to these Regulations or must be a generic EMPr relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (4) substituted by GN 326/2017 and amended by GN 517/2021]

(4A) A closure plan is required where the application for an environmental authorisation relates to the closure of a facility.

[Sub-reg. (4A) inserted by GN 517/2021]

(4B) A closure plan must contain the information set out in [Appendix 5](#) to these Regulations.

[Sub-reg. (4B) inserted by GN 517/2021]

(4C) The content of a closure plan may be combined with the content of an EMPr on condition that the requirements of both [Appendices 5 and 4](#), respectively, are met.

[Sub-reg. (4C) inserted by GN 517/2021]

(5) A specialist report must contain all information set out in [Appendix 6](#) to these Regulations or comply with a protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice.

[Sub-reg. (5) substituted by GN 326/2017]

24. Decision on S&EIR application

(1) The competent authority must within 107 days of receipt of the environmental impact assessment report and the documents contemplated in [regulation 23\(1\)\(a\)](#), in writing-

(a) grant environmental authorisation in respect of all or part of the activity applied for; or

(b) refuse environmental authorisation.

[Sub-reg. (1) amended by GN 326/2017 and substituted by GN 517/2021]

(2) To the extent that authorisation is granted for an alternative, such alternative must for the purposes of sub-regulation (1) be regarded as having been applied for, consulted on and its impacts investigated.

(3) On having reached a decision, the competent authority must comply with [regulation 4\(1\)](#), after which an applicant must comply with [regulation 4\(2\)](#).

(4)

[Sub-reg. (4) substituted by GN 326/2017 and deleted by GN 517/2021]

Part 4

Environmental authorisation

25. Issue of environmental authorisation

(1) If the competent authority decides to grant authorisation, the competent authority must issue an environmental authorisation or environmental authorisations complying with [regulation 26](#) to, and in the name of, the applicant or applicants.

(2) If the competent authority decides to grant authorisation in respect of an application, the competent authority may issue a single environmental authorisation or multiple environmental authorisations in the name of the same or different applicants covering all aspects for which authorisation is granted.

(3) A competent authority may issue an integrated environmental authorisation as contemplated in [section 24L](#) of the Act.

(4) The competent authority may replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing valid environmental authorisation is directly related to the application for environmental authorisation.

26. Content of environmental authorisation

An environmental authorisation must specify-

- (a) the name, address and contact details of the person to whom the environmental authorisation is issued;
- (b) a description of the activity that is authorised;
- (c) a description of the location of the activity, including
 - (i) the 21 digit Surveyor General code of each cadastral land parcel,
 - (ii) where available, the physical address or farm name,
 - (iii) where the required information in sub-regulation (i) and (ii) is not available, the coordinates of the boundary of the property or properties,
 - (iv) a plan which locates the proposed activity or activities authorised at an appropriate scale, or, if it is-
 - (aa) a linear activity, a description and coordinates of the approved corridor of the activity or activities; or
 - (bb) on land where the property has not been defined, the coordinates of the area within which the activity is to be undertaken;
- (d) the conditions subject to which the activity may be undertaken, including conditions determining-
 - (i)
[Sub-para. (i) deleted by GN 326/2017]
 - (ii) where the environmental authorisation does not include operational aspects, the period for which the environmental authorisation is granted, which period may not be extended unless the process to amend the environmental authorisation contemplated in [regulation 32](#) is followed, and the date on which the activity is deemed to have been concluded;
[Sub-para. (ii) substituted by GN 326/2017]
 - (iii) a distinction between the portions of the environmental authorisation that deal with operational and non-operational aspects respectively and the respective periods for which the distinct portions of the environmental authorisation is granted, where the environmental authorisation contains operational and non-operational aspects;
 - (iv) requirements for the avoidance, management, mitigation, monitoring and reporting of the impacts of the activity on the environment throughout the life of the activity additional to those contained in the approved EMPr, and the closure plan in the case of a closure activity; and
[Sub-para. (iv) substituted by GN 517/2021]
- (e) the frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr, and the closure plan in the case of a closure activity, in order to determine whether such EMPr and

closure plan continuously meet mitigation requirements and addresses environmental impacts, taking into account processes for such auditing prescribed in terms of these Regulations: provided that the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 5 years;

[Para. (e) substituted by GN 326/2017 and GN 517/2021]

- (f) the frequency of submission of an environmental audit report to the competent authority, including the timeframe within which a final environmental audit report must be submitted to the competent authority;

- (g) the frequency of updating the approved EMPr, and the closure plan in the case of a closure activity, and the manner in which the updated EMPr and closure plan will be approved, taking into account processes for such amendments prescribed in terms of these Regulations;

[Para. (g) substituted by GN 326/2017 and GN 517/2021]

- (h) a requirement that the environmental authorisation, approved EMPr and closure plan in the case of a closure activity, audit reports including the environmental audit report contemplated by [regulation 34](#), and all compliance monitoring reports be made available for inspection and copying-

(i) at the site of the authorised activity;

(ii) to anyone on request; and

(iii) where the holder of the environmental authorisation has a website, on such publicly accessible website; and

[Para. (h) amended by GN 326/2017 and substituted by GN 517/2021]

- (i) any relevant conditions which the competent authority deems appropriate.

CHAPTER 5

AMENDMENT, SUSPENSION, WITHDRAWAL AND AUDITING OF COMPLIANCE WITH ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME OR CLOSURE PLAN

[Heading of ch. 5 substituted by GN 517/2021]

27. General

- (1) The competent authority that issued an environmental authorisation has jurisdiction in all matters pertaining to the amendment of that environmental authorisation as long as the environmental authorisation is still valid, provided that the competent authority that issued such environmental authorisation still has jurisdiction in terms of the Act.
- (2) Where the competent authority decides to amend an environmental authorisation, the competent authority must-

- (a) issue an amendment to the environmental authorisation either by way of a new environmental authorisation or new environmental authorisations or an addendum to the relevant environmental authorisation; or
 - (b) replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing environmental authorisation is directly related to the amendment required.
- (3) Where an environmental authorisation granted in terms of these Regulations does not include operational aspects and the activity has been commenced with, the period for which such environmental authorisation is granted may only be extended for a maximum further period of 5 years.
[Subs. (3) substituted by GN 326/2017]
- (4) An environmental authorisation may be amended or replaced without following a procedural requirement contained in these Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially.

28. Application for amendment

- (1) An application for the amendment of an environmental authorisation must be submitted to the relevant competent authority on condition that the environmental authorisation is valid on the date of receipt of such amendment application.
[Sub-reg. (1) substituted by GN 326/2017]
- (1A) The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.
[Sub-reg. (1A) inserted by GN 326/2017]
- (1B) An environmental authorisation which is the subject of an amendment application contemplated in this Chapter remains valid pending the finalisation of such amendment application.
[Sub-reg. (1B) inserted by GN 326/2017]
- (2)
[Sub-reg. (2) deleted by GN 326/2017]
- (3) An application in terms of sub-regulation (1) must be made in writing and accompanied by a motivation for such amendment.
[Sub-reg. (3) substituted by GN 326/2017]

Part 1

Amendments where no change in scope or a change of ownership occur

29. Amendments to be applied for in terms of Part 1

An environmental authorisation may be amended by following the process prescribed in this Part if the amendment-

- (a) will not change the scope of a valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation; or
[Para. (a) substituted by GN 326/2017]
- (b) relates to the change of ownership or transfer of rights and obligations.

30. Process and consideration of application for amendment and decision

- (1) Upon receipt of an application made in terms of [regulation 29](#) the competent authority-
 - (a) may request additional information within a period determined by the competent authority and such request must accompany the acknowledgement of receipt of the application and if such information is not submitted within such a period the application will be deemed to have lapsed; and
[Para. (a) substituted by GN 326/2017]
 - (b) must refuse the application for amendment if the amendment being applied for does not fall within the ambit of [regulation 29](#).
[Para. (b) substituted by GN 326/2017]
- (2) The competent authority must within 30 days of acknowledging receipt of the application or of receipt of the additional information contemplated in sub-regulation (1)(a) decide the application.

Part 2

Amendments where a change in scope occurs

31. Amendments to be applied for in terms of Part 2

An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not-

[Words preceding para. (a) substituted by GN 326/2017]

- (a) assessed and included in the initial application for environmental authorisation; or
 - (b) taken into consideration in the initial environmental authorisation;
- and the change does not, on its own, constitute a listed or specified activity.

32. Process and consideration of application for amendment

- (1) The applicant must within 90 days of receipt by the competent authority of the application made in terms of [regulation 31](#), submit to the competent authority-

[Words preceding para. (a) substituted by GN 326/2017]

- (a) a report, reflecting-
 - (i) an assessment of all impacts related to the proposed change;
 - (ii) advantages and disadvantages associated with the proposed change;
and
 - (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
 - (iv) any changes to the EMPr;
[Sub-para. (iv) substituted by GN 326/2017]

which report-

- (aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority,
and
[Item (aa) re-numbered by GN 326/2017]
 - (bb) reflects the incorporation of comments received, including any comments of the competent authority; or
[Item (bb) re-numbered by GN 326/2017]
- (b) a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in sub-regulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days.
[Para. (b) substituted by GN 326/2017]

- (2) In the event where sub-regulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.

33. Decision on amendment application

- (1) The competent authority must within 107 days of receipt of the report contemplated in [regulation 32](#), in writing, decide the application.
- (2) On having reached a decision, the competent authority must comply with [regulation 4](#)(1), after which the applicant must comply with [regulation 4](#)(2).

Part 3

Auditing and amendment of environmental authorisation, environmental management programme and closure plan

34. Auditing of compliance with environmental authorisation, environmental management programme and closure plan

(1) The holder of an environmental authorisation must, for the period during which the environmental authorisation, EMPr, and the closure plan in the case of a closure activity, remain valid-

(a) ensure that the compliance with the conditions of the environmental authorisation, the EMPr, and the closure plan in the case of a closure activity, is audited; and

(b) submit an environmental audit report to the relevant competent authority.

[Sub-reg. (1) substituted by GN 517/2021]

(2) The environmental audit report contemplated in sub-regulation (1) must-

(a) be prepared by an independent person with the relevant environmental auditing expertise;

(b) provide verifiable findings, in a structured and systematic manner, on-

(i) the level of performance against and compliance of an organisation or project with the provisions of the requisite environmental authorisation, EMPr and the closure plan in the case of a closure activity; and

(ii) the ability of the measures contained in the EMPr and closure plan to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity;

[Para. (b) substituted by GN 517/2021]

(c) contain the information set out in [Appendix 7](#); and

(d) be conducted and submitted to the competent authority at intervals as indicated in the environmental authorisation.

(3) The environmental audit report contemplated in sub-regulation (1) must determine-

(a) the ability of the EMPr, and the closure plan in the case of a closure activity, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an ongoing basis and to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility;

- (b) the level of compliance with the provisions of the environmental authorisation, EMPr or closure plan.

[Sub-reg. (3) amended by GN 326/2017 and substituted by GN 517/2021]

- (4) Where the findings of the environmental audit report contemplated in sub-regulation (1) indicate-

- (a) insufficient mitigation of environmental impacts associated with the undertaking of the activity; or

- (b) insufficient levels of compliance with the environmental authorisation, EMPr or closure plan;

the holder must, when submitting the environmental audit report to the competent authority in terms of sub-regulation (1), submit recommendations to amend the EMPr or closure plan in order to rectify the shortcomings identified in the environmental audit report.

[Sub-reg. (4) substituted by GN 517/2021]

- (5) When submitting recommendations in terms of subregulation (4), such recommendations must have been subjected to a public participation process, which process has been agreed to by the competent authority and was appropriate to bring the proposed amendment of the EMPr or closure plan, to the attention of potential and registered interested and affected parties, including organs of state which have jurisdiction in respect of any aspect of the relevant activity and the competent authority, for approval by the competent authority.

[Sub-reg. (5) substituted by GN 517/2021]

- (6) Within 7 days of the date of submission of an environmental audit report to the competent authority, the holder of an environmental authorisation must notify all potential and registered interested and affected parties of the submission of that report, and make such report immediately available-

- (a) to anyone on request; and

- (b) on a publicly accessible website, where the holder has such a website.

- (7) An environmental audit report must contain all information set out in [Appendix 7](#) to these Regulations.

35. Amendment of environmental management programme or closure plan as a result of an audit

- (1) The competent authority must consider the environmental audit report and amended documents contemplated in [regulation 34](#) and approve such amended documents if it is satisfied that it sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity, or in the case of a closure activity, the closure of the facility, and that it has been subjected to an appropriate public participation process.

[Sub-reg. (1) substituted by GN 517/2021]

- (2) Prior to approving an amended EMPr or closure plan contemplated in sub-regulation (1), the competent authority may request such amendments to the EMPr or closure plan as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity or to ensure that the closure plan sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the closure of the facility in the case of a closure activity.

[Sub-reg. (2) amended by GN 517/2021]

Part 4

Other amendments of environmental management programme or closure plan

36. Other amendments of environmental management programme or closure plan

- (1) Where an amendment is required to the impact management actions of an EMPr, such amendments may immediately be effected by the holder and reflected in the next environmental audit report submitted as contemplated in the environmental authorisation and [regulation 34](#).

- (2) Where an amendment to the impact management outcomes of an EMPr or an amendment of the closure objectives of a closure plan in the case of a closure activity is required before an audit is required in terms of the environmental authorisation, an EMPr or closure plan may be amended on application by the holder of the environmental authorisation.

[Sub-reg. (2) substituted by GN 326/2017 and amended by GN 517/2021]

37. Amendment of environmental management programme or closure plan on application by holder of environmental authorisation

- (1)

[Sub-reg. (1) deleted by GN 326/2017]

- (2) The holder of the environmental authorisation must invite comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan in the case of a closure activity from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

[Sub-reg. (2) substituted by GN 326/2017 and amended by GN 517/2021]

- (3) Reasonable alternative methods, as agreed to by the competent authority, to invite comments as contemplated in sub-regulation (2), may be used in those instances where a person desires but is unable to participate in the process due to-
- (a) illiteracy;
 - (b) disability; or
 - (c) any other disadvantage.

- (4) The invitation to comment as contemplated in sub-regulation (2) must include an indication that any comments to the proposed amendments must be submitted to the holder of the environmental authorisation within 30 days of such invitation to comment.

- (5) If no comments are received, the holder of the environmental authorisation may amend the EMPr or closure plan in the case of a closure activity, in accordance with its intention contemplated in subregulation (2) and submit the amended EMPr or closure plan to the competent authority for approval within 60 days of inviting comments.

[Sub-reg. (5) substituted by GN 517/2021]

- (6) Prior to approving an amended EMPr or closure plan contemplated in sub-regulation (5), the competent authority may request such amendments to the EMPr or closure plan as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity or to ensure that the closure plan sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the closure of the facility.

- (7) If comments are submitted to the holder of the environmental authorisation, such holder must submit such comments to the competent authority, including responses to such comments, together with the proposed amended EMPr or closure plan in the case of a closure activity.

[Sub-reg. (7) amended by GN 517/2021]

- (8) The competent authority must, within 30 days of receipt of the information contemplated in subregulation (7), consider such information and issue a decision to approve the amended EMPr or closure plan in the case of a closure activity or not.

[Sub-reg. (8) substituted by GN 517/2021]

- (9) After the competent authority has reached a decision in terms of sub-regulation (5) or (8), the competent authority must, within 5days-

[Words preceding para. (a) substituted by GN 326/2017]

- (a) provide the holder of the environmental authorisation with its decision, including the amended EMPr or closure plan in the case of a closure activity, if the decision was to approve the amended EMPr or closure plan, as well as reasons for the decision;

[Para. (a) substituted by GN 517/2021]

- (b) draw the attention of the holder of the environmental authorisation to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, if such appeal is available in the circumstances of the decision; and
- (c) instruct the holder of the environmental authorisation to, within 14 days of the date of the decision, inform the parties who submitted comments of the decision, to the fact that an appeal may be lodged against the decision in

terms of the National Appeals Regulations, if such appeal is available in the circumstances of the decision.

Part 5

Suspension and withdrawal of environmental authorisation

38. Suspension and withdrawal of environmental authorisation

(1) If the competent authority has reason to believe that the authorisation was obtained through fraud, non-disclosure of material information or misrepresentation of a material fact, the competent authority may, in writing, suspend or partially suspend, with immediate effect, the environmental authorisation and direct the holder of such environmental authorisation forthwith to cease any activities that have been commenced or to refrain from commencing any activities, pending a decision to withdraw the environmental authorisation.

(2) The holder of the environmental authorisation may, within 10 days of the suspension issued in terms of sub-regulation (1), provide the competent authority with representations as to why the environmental authorisation should not be withdrawn.

[Sub-reg. (2) substituted by GN 326/2017]

(3) Subject to sub-regulation (4), within 14 days of receipt of representations, alternatively within 14 days of the expiry of the time period in which to submit representations, the competent authority must consider the representations, if any, and must inform the applicant in writing of its decision to-

(a) lift the suspension; or

[Para. (a) amended by GN 326/2017]

(b) withdraw, or partially withdraw, the environmental authorisation.

(4) In the event that the competent authority requires further information in order to take a decision referred to in sub-regulation (3) it shall-

(a) within the 14 day time period set out in regulation (3), and in writing, request the holder to provide such further information; and

(b) consider this additional information prior to taking a decision in terms of (3)(a) or (b).

(5) Where further information is requested, the competent authority shall have a further 14 day period from the date of receipt of this information, in which to make its decision in terms of sub-regulation (3)(a) or (b).

(6) In the event that the competent authority decides to withdraw, or partially withdraw, the environmental authorisation in terms of (3)(b), and the activity or activities have commenced, the competent authority may direct the holder to rehabilitate the effects of the activity on the environment.

- (7) The provisions of this Part apply equally to any exemptions issued in terms of the ECA regulations or the previous NEMA regulations as defined in [Chapter 8](#) of these Regulations.

[Para. (7) substituted by GN 326/2017]

CHAPTER 6 PUBLIC PARTICIPATION

39. Activity on land owned by person other than proponent

- (1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.

- ~~(2) Sub-regulation (1) does not apply in respect of—~~

~~(a) linear activities; and~~

~~[Para. (a) amended by GN 517/2021]~~

~~(b)~~

~~[Para. (b) substituted by GN 326/2017 and deleted by GN 517/2021]~~

~~(c) strategic integrated projects as contemplated in the Infrastructure Development Act, 2014.~~

~~Withdrawn by GN1816 published in GG45999 of 3 March 2022~~

- (2) Subregulation (1) does not apply in respect of—
- (a) linear activities;
 - (b) activities constituting, or activities directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral or petroleum resource; and
 - (c) strategic integrated projects as contemplated in the Infrastructure Development Act, 2014.

40. Purpose of public participation

- (1) The public participation process to which the—

(a) basic assessment report and EMPr, and the closure plan in the case of a closure activity, submitted in terms of [regulation 19](#); and

(b) scoping report submitted in terms of [regulation 21](#), the environmental impact assessment report, EMPr, and the closure plan in the case of a closure activity, submitted in terms of [regulation 23](#);

was subjected to must give all potential or registered interested and affected parties, including the competent authority, a period of at least 30 days to submit comments on each of the basic assessment report, EMPr, scoping report and

environmental impact assessment report, and the closure plan in the case of a closure activity, as well as the report contemplated in [regulation 32](#), if such reports or plans are submitted at different times.

[Sub-reg. (1) substituted by GN 517/2021]

- (2) The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with-
 - (a) the competent authority;
 - (b) every State department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation;
 - (c) all organs of state which have jurisdiction in respect of the activity to which the application relates; and
 - (d) all potential, or, where relevant, registered interested and affected parties.
- (3) Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in sub-regulation (1) prior to submission of an application but must be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority.

[Sub-reg. (3) substituted by GN 326/2017]

41. Public participation process

- (1) This regulation only applies in instances where adherence to the provisions of this regulation is specifically required.
- (2) The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in [section 24J](#) of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by-
 - (a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of-
 - (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and
 - (ii) any alternative site;
 - (b) giving written notice, in any of the manners provided for in [section 47D](#) of the Act, to-

- (i) the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;
[Sub-para. (i) substituted by GN 326/2017]
 - (ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;
[Sub-para. (ii) substituted by GN 326/2017]
 - (iii) the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;
[Sub-para. (iii) substituted by GN 326/2017]
 - (iv) the municipality which has jurisdiction in the area;
 - (v) any organ of state having jurisdiction in respect of any aspect of the activity; and
 - (vi) any other party as required by the competent authority;
- (c) placing an advertisement in-
- (i) one local newspaper; or
 - (ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;
- (d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official *Gazette* referred to in paragraph (c)(ii); and
- (e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to-
- (i) illiteracy;
 - (ii) disability; or
 - (iii) any other disadvantage.
- (3) A notice, notice board or advertisement referred to in sub-regulation (2) must-

- (a) give details of the application or proposed application which is subjected to public participation; and
 - (b) state-
 - (i) whether basic assessment or S&EIR procedures are being applied to the application;
 - (ii) the nature and location of the activity to which the application relates;
 - (iii) where further information on the application or proposed application can be obtained; and
 - (iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.
- (4) A notice board referred to in sub-regulation (2) must-
- (a) be of a size of at least 60cm by 42cm; and
[Para. (a) substituted by GN 326/2017]
 - (b) display the required information in lettering and in a format as may be determined by the competent authority.
- (5) Where public participation is conducted in terms of this regulation for an application or proposed application, sub-regulation (2)(a), (b), (c) and (d) need not be complied with again during the additional public participation process contemplated in [regulations 19](#)(1)(b) or [23](#)(1)(b) or the public participation process contemplated in [regulation 21](#) (2)(d), on condition that-
- (a) such process has been preceded by a public participation process which included compliance with sub-regulation (2)(a), (b), (c) and (d); and
 - (b) written notice is given to registered interested and affected parties regarding where the-
 - (i) revised documents as contemplated in [regulation 19](#)(1)(b);
 - (ii) revised documents as contemplated in [regulation 23](#)(1)(b); or
 - (iii) environmental impact assessment report and documents as contemplated in [regulation 21](#)(2)(d);

may be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due.

[Para. (b) amended by GN 326/2017 and substituted by GN 517/2021]
- (6) When complying with this regulation, the person conducting the public participation process must ensure that-

- (a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and
 - (b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.
- (7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.

42. Register of interested and affected parties

A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of-

- (a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;
- (b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

43. Registered interested and affected parties entitled to comment on reports and plans

- (1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.
- (2) In order to give effect to [section 24O](#) of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to [regulation 7\(2\)](#), to comment within 30 days.

44. Comments of interested and affected parties to be recorded in reports and plans

- (1) The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.
- (2) Where a person desires but is unable to access written comments as contemplated in sub-regulation (1) due to-
 - (a) a lack of skills to read or write;
[Para. (a) re-numbered by GN 326/2017]
 - (b) disability; or
[Para. (b) re-numbered by GN 326/2017]
 - (c) any other disadvantage;
[Para. (c) re-numbered by GN 326/2017]

reasonable alternative methods of recording comments must be provided for.

CHAPTER 7 GENERAL MATTERS

45. Failure to comply with requirements for consideration of applications

An application in terms of these Regulations lapses, and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of [regulation 3](#)(7).

46. Resubmission of similar applications

No applicant may submit an application which is substantially similar to a previous application which has been refused unless the appeal on such refusal has been finalised or the time period for the submission of such appeal has lapsed.

47. Assistance to people with special needs

The competent authority processing an application in terms of these Regulations must give reasonable assistance to people with-

[Words preceding para. (a) amended by GN 326/2017]

- (a) illiteracy;
- (b) a disability; or
- (c) any other disadvantage

who cannot, but desire to, comply with these Regulations.

48. Offences

- (1) A person is guilty of an offence if that person-
 - (a) provides incorrect or misleading information in any form, including any document submitted in terms of these Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority;
 - (b) fails to comply with [regulation 10\(c\)](#);
 - (c) fails to comply with [regulation 13\(1\)\(f\)](#);
 - (d) fails to comply with [regulation 34](#);
 - (e) fails to comply with [regulation 37](#); or
 - (f) commences with an activity where the environmental authorisation was suspended or withdrawn in terms of [regulation 38](#).
- (2) A person convicted of an offence in terms of sub-regulation (1)(a), (b), (c), (d) or (e) is liable to the penalties as contemplated in [section 49B\(2\)](#) of the Act.
- (3) A person convicted of an offence in terms of sub-regulation (1) (f) is liable to the penalties as contemplated in [section 49B\(1\)](#) of the Act.

CHAPTER 8

TRANSITIONAL ARRANGEMENTS AND COMMENCEMENT

49. Definitions

In this Chapter-

"ECA" means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

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

"ECA notices" as contemplated in these transitional arrangements, means the notices in terms of ECA (Government Notice R. 1182, as amended by Government Notice R. 1355 of 17 October 1997, Government Notice R. 448 of 27 March 1998 and Government Notice R. 670 of 10 May 2002);

"ECA regulations" as contemplated in these transitional arrangements, means the regulations published in terms of [sections 26](#) and [28](#) of the ECA, by Government Notice R. 1183 of 5 September 1997;

"previous MPRDA regulations" as contemplated in these transitional arrangements, means the regulations published in terms of [section 107](#) of the Mineral and Petroleum Resources Development Act, 2002, by Government Notice R527 in *Government Gazette* 26275 of 23 April 2004 and as amended from time to time;

"previous NEMA notices" as contemplated in these transitional arrangements means the previous notices published in terms of section 24(2) of NEMA (Government Notices R386 and R387 in the *Government Gazette* of 21 April 2006, as amended, Government Notices No. R544, 545 and 546 in the *Government Gazette* of 18 June 2010, as amended, or Government Notices No. R983, R984 and R985 in the *Government Gazette* of 4 December 2014);

[Definition of "previous NEMA notices" amended by GN 326/2017 and substituted by GN 706/2018]

"previous NEMA regulations" as contemplated in these transitional arrangements means the previous Environmental Impact Assessment Regulations published in terms of NEMA (Government Notice No. R. 385 in the *Government Gazette* of 21 April 2006 or Government Notice No. R. 543 in the *Government Gazette* of 18 June 2010).

[Definition of "previous NEMA regulations" substituted by GN 326/2017]

50. Continuation of actions undertaken and authorisations issued under previous ECA regulations

- (1) Any actions undertaken in terms of the ECA regulations and which can be undertaken in terms of a provision of these Regulations must be regarded as having been undertaken in terms of the provision of these Regulations.
- (2) Any authorisation issued or exemption from obtaining an environmental authorisation granted in terms of the ECA regulations, must be regarded to be an environmental authorisation issued in terms of these Regulations.

51. Pending applications (ECA)

[Heading of reg. 51 substituted by GN 326/2017]

- (1) An application submitted in terms of the ECA regulations and which is pending when these Regulations take effect, including pending applications for activities directly related to-
 - (a) prospecting or exploration of a mineral or petroleum resource; or
 - (b) extraction and primary processing of a mineral or petroleum resource;must despite the repeal of those Regulations be dispensed with in terms of those Regulations as if those Regulations were not repealed.
- (2) If a situation arises where an activity or activities listed under the ECA Notices no longer requires environmental authorisation in terms of the current activities and competent authorities identified in terms of [sections 24\(2\)](#) and [24D](#) of the Act or in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and where a decision on an application submitted under the ECA regulations is still pending, the competent authority will consider such application to be withdrawn.
- (3) Where an application submitted in terms of the ECA regulations is pending in relation to an activity of which a component of the same activity was not listed under the ECA Notices, but is now identified in terms of [section 24\(2\)](#) of the Act,

the competent authority must dispense of such application in terms of those ECA regulations and may authorise the activity identified in terms of [section 24\(2\)](#) as if it was applied for, on condition that all impacts of the newly listed activity and requirements of these Regulations have also been considered and adequately assessed.

52. Continuation of actions undertaken and authorisations issued under previous NEMA regulations

- (1) Any actions undertaken in terms of the previous NEMA regulations and which can be undertaken in terms of a provision of these Regulations must be regarded as having been undertaken in terms of the provision of these Regulations.
- (2) Any authorisation issued in terms of the previous NEMA Regulations must be regarded to be an environmental authorisation issued in terms of these Regulations.

53. Pending applications and appeals (NEMA)

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

- (4) An appeal lodged in terms of the previous NEMA regulations, and which is pending when these Regulations take effect must despite the repeal of those previous NEMA regulations be dispensed with in terms thereof as if those previous NEMA regulations were not repealed.

54. Pending applications (MPRDA)

- (1) An application submitted in terms of the previous MPRDA regulations and which is pending when these Regulations take effect must despite the repeal of those regulations be dispensed with in terms of those previous MPRDA regulations as if those previous MPRDA regulations were not repealed.
- (2) An application submitted after the commencement of these Regulations for an amendment of an Environmental Management Programme or Environmental Management Plan, issued in terms of the Mineral and Petroleum Resources Development Act, 2002, must be dealt with in terms of Part 1 or Part 2 of [Chapter 5](#) of these Regulations.
[Sub-reg. (2) substituted by GN 326/2017]
- (3) "Application" for the purpose of sub-regulation (1) means an application for a permit, right, approval of an Environmental Management Programme or Environmental Management Plan or amendment of such permit, right or Environmental Management Programme or Environmental Management Plan.
[Sub-reg. (3) substituted by GN 326/2017]

54A. Transitional provisions

- (1) Where, prior to 8 December 2014-
 - (a) environmental authorisation was required for activities directly related to-
 - (i) prospecting or exploration of a mineral or petroleum resource; or
 - (ii) extraction and primary processing of a mineral or petroleum resource;and such environmental authorisation has been obtained; and
 - (b) a right, permit or exemption was required in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for-
 - (i) prospecting or exploration of a mineral or petroleum resource; or
 - (ii) extraction and primary processing of a mineral or petroleum resource;and such right, permit or exemption has been obtained, and activities authorised in such environmental authorisation, right, permit or exemption commenced after 8 December 2014, such environmental authorisation, right, permit or exemption is regarded as fulfilling the requirements of the Act: Provided that where an application for an environmental authorisation was refused or not obtained in terms of the Act for activities directly related to prospecting, exploration or

extraction of a mineral or petroleum resource, including primary processing, this sub-regulation does not apply.

(2) Where a right or permit issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the associated Environmental Management Programme or Environmental Management Plan approved in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) is still in effect after 8 December 2014, the requirements contained in Part 3 of [Chapter 5](#) of these Regulations apply to such Environmental Management Programmes or Environmental Management Plans, and where-

(a) the audit or performance assessment cycle of the Environmental Management Programme or Environmental Management Plan exceeds five years, an audit report will be required to be submitted at least every five years commencing from the date of submission of the last audit, for the period during which the right or permit remains in effect; or

(b) no audit or performance assessment requirement was set in the Environmental Management Programme or Environmental Management Plan, an audit report will be required to be submitted to the competent authority no later than 7 December 2021 and at least every 5 years thereafter for the period during which the right or permit remains in effect.

[Sub-reg. (2) amended by GN 599/2020 and substituted by GN 517/2021]

(3) Where an environmental authorisation issued in terms of the ECA regulations or the previous NEMA regulations is still in effect by 8 December 2014, the EMPr associated with such environmental authorisation is subject to the requirements contained in Part 3 of [Chapter 5](#) of these Regulations and the first environmental audit report must be submitted to the competent authority by a date to be published by Notice in the Government Gazette.

[Subr. (3) amended by GN 599/2020]

[S. 54A inserted by GN 326/2017]

55. Continuation of regulations regulating authorisations for activities in certain coastal areas

These Regulations do not affect the continued application of the regulations published in terms of [sections 26](#) and [28](#) of the ECA, by Government Notice R. 1528 of 27 November 1998.

56. Repeal of Environmental Impact Assessment Regulations, 2010

[Heading of reg. 56 substituted by GN 326/2017]

The Environmental Impact Assessment Regulations published in Government Notice No. R. 543, in the *Gazette* No. 33306 of 18 June 2010, is hereby repealed.

57. Short title and commencement

These Regulations are called the Environmental Impact Assessment Regulations, 2014 and take effect on 8 December 2014.

APPENDIX 1

1. Basic Assessment Process

The environmental outcomes, impacts and residual risks of the proposed activity must be set out in the basic assessment report.

2. Objective of the basic assessment process

The objective of the basic assessment process is to, through a consultative process-

- (a) determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;
- (b) identify the alternatives considered, including the activity, location, and technology alternatives;
- (c) describe the need and desirability of the proposed alternatives;
[Para. (c) amended by GN 326/2017]
- (d) through the undertaking of an impact and risk assessment process, inclusive of cumulative impacts which focused on determining the geographical, physical, biological, social, economic, heritage, and cultural sensitivity of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects to determine-
[Words preceding sub-para. (i) substituted by GN 326/2017]
 - (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
 - (ii) the degree to which these impacts-
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated; and
[Item (cc) amended by GN 326/2017]
- (e) through a ranking of the site sensitivities and possible impacts the activity and technology alternatives will impose on the sites and location identified through the life of the activity to-
 - (i) identify and motivate a preferred site, activity and technology alternative;

- (ii) identify suitable measures to avoid, manage or mitigate identified impacts; and
- (iii) identify residual risks that need to be managed and monitored.

3. Scope of assessment and content of basic assessment reports

- (1) A basic assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include-
 - (a) details of-
 - (i) the EAP who prepared the report; and
 - (ii) the expertise of the EAP, including a curriculum vitae;
 - (b) the location of the activity, including:
 - (i) the 21 digit Surveyor General code of each cadastral land parcel;
 - (ii) where available, the physical address and farm name;
 - (iii) where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties;
 - (c) a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale;
 or, if it is-
 - (i) a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be undertaken; or
 - (ii) on land where the property has not been defined, the coordinates within which the activity is to be undertaken;
- (d) a description of the scope of the proposed activity, including-
 - (i) all listed and specified activities triggered and being applied for; and
 - (ii) a description of the activities to be undertaken including associated structures and infrastructure-
[Sub-para. (ii) amended by GN 326/2017]
- (e) a description of the policy and legislative context within which the development is proposed including-
 - (i) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments

that are applicable to this activity and have been considered in the preparation of the report; and

- (ii) how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments;
- (f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location;
- (g) a motivation for the preferred site, activity and technology alternative;
- (h) a full description of the process followed to reach the proposed preferred alternative within the site, including-
[Words preceding sub-para. (i) amended by GN 326/2017]
 - (i) details of all the alternatives considered;
 - (ii) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;
 - (iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
 - (iv) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
 - (v) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts-
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated;
 - (vi) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
 - (vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;

- (viii) the possible mitigation measures that could be applied and level of residual risk;
 - (ix) the outcome of the site selection matrix;
 - (x) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
 - (xi) a concluding statement indicating the preferred alternatives, including preferred location of the activity;
- (i) a full description of the process undertaken to identify, assess and rank the impacts the activity will impose on the preferred location through the life of the activity, including-
 - (i) a description of all environmental issues and risks that were identified during the environmental impact assessment process; and
 - (ii) an assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures;
- (j) an assessment of each identified potentially significant impact and risk, including-
 - (i) cumulative impacts;
 - (ii) the nature, significance and consequences of the impact and risk;
 - (iii) the extent and duration of the impact and risk;
 - (iv) the probability of the impact and risk occurring;
 - (v) the degree to which the impact and risk can be reversed;
 - (vi) the degree to which the impact and risk may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact and risk can be avoided, managed or mitigated;
- (k) where applicable, a summary of the findings and impact management measures identified in any specialist report complying with [Appendix 6](#) to these Regulations and an indication as to how these findings and recommendations have been included in the final report;
- (l) an environmental impact statement which contains-

- (i) a summary of the key findings of the environmental impact assessment;
 - (ii) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and
 - (iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives;
- (m) based on the assessment, and where applicable, impact management measures from specialist reports, the recording of the proposed impact management outcomes for the development for inclusion in the EMPr;
[Para. (m) substituted by GN 326/2017]
- (n) any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation;
- (o) a description of any assumptions, uncertainties, and gaps in knowledge which relate to the assessment and mitigation measures proposed;
- (p) a reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;
- (q) where the proposed activity does not include operational aspects, the period for which the environmental authorisation is required, the date on which the activity will be concluded, and the post construction monitoring requirements finalised;
- (r) an undertaking under oath or affirmation by the EAP in relation to-
[Words preceding sub-para. (i) amended by GN 326/2017]
- (i) the correctness of the information provided in the reports;
 - (ii) the inclusion of comments and inputs from stakeholders and I&APs;
 - (iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and
 - (iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties; and

(s)

[Sub-para. (s) deleted by GN 517/2021]

- (t) any specific information that may be required by the competent authority; and

- (u) any other matters required in terms of [section 24](#)(4)(a) and (b) of the Act.
- (2) Where a government notice gazetted by the Minister provides for the basic assessment process to be followed, the requirements as indicated in such a notice will apply.

[Sub-reg. (2) substituted by GN 326/2017]

APPENDIX 2

1. Objective of the Scoping Process

The objective of the scoping process is to, through a consultative process-

- (a) identify the relevant policies and legislation relevant to the activity;
- (b) motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location;
- (c) identify and confirm the preferred activity and technology alternative through an identification of impacts and risks and ranking process of such impacts and risks;
[Para. (c) substituted by GN 326/2017]
- (d) identify and confirm the preferred site, through a detailed site selection process, which includes an identification of impacts and risks inclusive of identification of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological, social, economic, and cultural aspects of the environment;
[Para. (d) substituted by GN 326/2017]
- (e) identify the key issues to be addressed in the assessment phase;
- (f) agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required as well as the extent of further consultation to be undertaken to determine the impacts and risks the activity will impose on the preferred site through the life of the activity, including the nature, significance, consequence, extent, duration and probability of the impacts to inform the location of the development footprint within the preferred site; and
- (g) identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored.

2. Content of the scoping report

- (1) A scoping report must contain the information that is necessary for a proper understanding of the process, informing all preferred alternatives, including location alternatives, the scope of the assessment, and the consultation process to be undertaken through the environmental impact assessment process, and must include-
 - (a) details of-

- (i) the EAP who prepared the report; and
 - (ii) the expertise of the EAP, including a curriculum vitae;
- (b) the location of the activity, including-
 - (i) the 21 digit Surveyor General code of each cadastral land parcel;
 - (ii) where available, the physical address and farm name;
 - (iii) where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties;
- (c) a plan which locates the proposed activity or activities applied for at an appropriate scale, or, if it is-
 - (i) a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be undertaken; or
 - (ii) on land where the property has not been defined, the coordinates within which the activity is to be undertaken;
- (d) a description of the scope of the proposed activity, including-
 - (i) all listed and specified activities triggered;
 - (ii) a description of the activities to be undertaken, including associated structures and infrastructure;
- (e) a description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process;
- (f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location;
- (g) a full description of the process followed to reach the proposed preferred activity, site and location of the development footprint within the site, including-
 - (i) details of all the alternatives considered;
 - (ii) details of the public participation process undertaken in terms of [regulation 41](#) of the Regulations, including copies of the supporting documents and inputs;

- (iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
 - (iv) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
 - (v) the impacts and risks which have informed the identification of each alternative, including the nature, significance, consequence, extent, duration and probability of such identified impacts, including the degree to which these impacts-
[Words preceding sub-para. (aa) substituted by GN 326/2017]
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated;
 - (vi) the methodology used in identifying and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
[Sub-para. (vi) substituted by GN 326/2017]
 - (vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
 - (viii) the possible mitigation measures that could be applied and level of residual risk;
 - (ix) the outcome of the site selection matrix;
 - (x) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
 - (xi) a concluding statement indicating the preferred alternatives, including preferred location of the activity;
[Para. (g) re-numbered by GN 326/2017]
- (h) a plan of study for undertaking the environmental impact assessment process to be undertaken, including-
- (i) a description of the alternatives to be considered and assessed within the preferred site, including the option of not proceeding with the activity;

- (ii) a description of the aspects to be assessed as part of the environmental impact assessment process;
 - (iii) aspects to be assessed by specialists;
 - (iv) a description of the proposed method of assessing the environmental aspects, including aspects to be assessed by specialists;
[Sub-para. (iv) substituted by GN 326/2017]
 - (v) a description of the proposed method of assessing duration and significance;
 - (vi) an indication of the stages at which the competent authority will be consulted;
 - (vii) particulars of the public participation process that will be conducted during the environmental impact assessment process; and
 - (viii) a description of the tasks that will be undertaken as part of the environmental impact assessment process;
 - (ix) identify suitable measures to avoid, reverse, mitigate or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored.
[Para. (h) re-numbered by GN 326/2017]
- (i) an undertaking under oath or affirmation by the EAP in relation to-
- (i) the correctness of the information provided in the report;
 - (ii) the inclusion of comments and inputs from stakeholders and interested and affected parties; and
 - (iii) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties;
[Para. (i) re-numbered by GN 326/2017]
- (j) an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact assessment;
[Para. (j) re-numbered by GN 326/2017]
- (k) where applicable, any specific information required by the competent authority; and
[Para. (k) re-numbered by GN 326/2017]
- (l) any other matter required in terms of [section 24](#)(4)(a) and (b) of the Act.
[Para. (l) re-numbered by GN 326/2017]

- (2) Where a government notice gazetted by the Minister provides for any protocol or minimum information requirement to be applied to a scoping report, the requirements as indicated in such notice will apply.

[Sub-reg. (2) substituted by GN 326/2017]

APPENDIX 3

1. Environmental impact assessment process

- (1) The environmental impact assessment process must be undertaken in line with the approved plan of study for environmental impact assessment.
- (2) The environmental impacts, mitigation and closure outcomes as well as the residual risks of the proposed activity must be set out in the environmental impact assessment report.

2. Objective of the environmental impact assessment process

The objective of the environmental impact assessment process is to, through a consultative process-

- (a) determine the policy and legislative context within which the activity is located and document how the proposed activity complies with and responds to the policy and legislative context;
- (b) describe the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the development footprint on the approved site as contemplated in the accepted scoping report;
- [Para. (b) substituted by GN 326/2017]
- (c) identify the location of the development footprint within the approved site as contemplated in the accepted scoping report based on an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified development footprint alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects of the environment;

[Para. (c) substituted by GN 326/2017]

- (d) determine the-
- (i) nature, significance, consequence, extent, duration and probability of the impacts occurring to inform identified preferred alternatives; and
- (ii) degree to which these impacts-
- (aa) can be reversed;
- (bb) may cause irreplaceable loss of resources, and
- (cc) can be avoided, managed or mitigated;

- (e) identify the most ideal location for the activity within the development footprint of the approved site as contemplated in the accepted scoping report based on the lowest level of environmental sensitivity identified during the assessment;
[Para. (e) substituted by GN 326/2017]
- (f) identify, assess, and rank the impacts the activity will impose on the development footprint on the approved site as contemplated in the accepted scoping report through the life of the activity;
[Para. (f) substituted by GN 326/2017]
- (g) identify suitable measures to avoid, manage or mitigate identified impacts; and
- (h) identify residual risks that need to be managed and monitored.

3. Scope of assessment and content of environmental impact assessment reports

- (1) An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include-
 - (a) details of-
 - (iii) the EAP who prepared the report; and
 - (iv) the expertise of the EAP, including a curriculum vitae;
 - (b) the location of the development footprint of the activity on the approved site as contemplated in the accepted scoping report, including:
[Words preceding sub-para. (i) substituted by GN 326/2017]
 - (i) the 21 digit Surveyor General code of each cadastral land parcel;
 - (ii) where available, the physical address and farm name; and
 - (iii) where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties;
 - (c) a plan which locates the proposed activity or activities applied for as well as the associated structures and infrastructure at an appropriate scale, or, if it is-
 - (i) a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be undertaken;
 - (ii) on land where the property has not been defined, the coordinates within which the activity is to be undertaken;
 - (d) a description of the scope of the proposed activity, including-
 - (i) all listed and specified activities triggered and being applied for; and

- (ii) a description of the associated structures and infrastructure related to the development;
- (e) a description of the policy and legislative context within which the development is located and an explanation of how the proposed development complies with and responds to the legislation and policy context;
- (f) a motivation for the need and desirability for the proposed development, including the need and desirability of the activity in the context of the preferred development footprint within the approved site as contemplated in the accepted scoping report;
[Para. (f) substituted by GN 326/2017]
- (g) a motivation for the preferred development footprint within the approved site as contemplated in the accepted scoping report;
[Para. (g) substituted by GN 326/2017]
- (h) a full description of the process followed to reach the proposed development footprint within the approved site as contemplated in the accepted scoping report, including:
[Words preceding sub-para. (i) substituted by GN 326/2017]
 - (i) details of the development footprint alternatives considered;
 - (ii) details of the public participation process undertaken in terms of [regulation 41](#) of the Regulations, including copies of the supporting documents and inputs;
 - (iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
 - (iv) the environmental attributes associated with the development footprint alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
 - (v) the impacts and risks identified including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts-
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated;
 - (vi) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks;

- (vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
- (viii) the possible mitigation measures that could be applied and level of residual risk;
- (ix) if no alternative development footprints for the activity were investigated, the motivation for not considering such; and
[Para. (ix) substituted by GN 326/2017]
- (x) a concluding statement indicating the location of the preferred alternative development footprint within the approved site as contemplated in the accepted scoping report;
[Para. (x) substituted by GN 326/2017]
- (i) a full description of the process undertaken to identify, assess and rank the impacts the activity and associated structures and infrastructure will impose on the preferred development footprint on the approved site as contemplated in the accepted scoping report through the life of the activity, including-
[Words preceding sub-para. (i) substituted by GN 326/2017]
- (i) a description of all environmental issues and risks that were identified during the environmental impact assessment process; and
- (ii) an assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures;
- (j) an assessment of each identified potentially significant impact and risk, including-
 - (i) cumulative impacts;
 - (ii) the nature, significance and consequences of the impact and risk;
 - (iii) the extent and duration of the impact and risk;
 - (iv) the probability of the impact and risk occurring;
 - (v) the degree to which the impact and risk can be reversed;
 - (vi) the degree to which the impact and risk may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact and risk can be mitigated;
- (k) where applicable, a summary of the findings and recommendations of any specialist report complying with [Appendix 6](#) to these Regulations and an

indication as to how these findings and recommendations have been included in the final assessment report;

- (l) an environmental impact statement which contains-
 - (i) a summary of the key findings of the environmental impact assessment;
 - (ii) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred development footprint on the approved site as contemplated in the accepted scoping report indicating any areas that should be avoided, including buffers; and
[Sub-para. (ii) substituted by GN 327/2017]
 - (iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives;
- (m) based on the assessment, and where applicable, recommendations from specialist reports, the recording of proposed impact management outcomes for the development for inclusion in the EMPr as well as for inclusion as conditions of authorisation;
[Para. (m) substituted by GN 326/2017]
- (n) the final proposed alternatives which respond to the impact management measures, avoidance, and mitigation measures identified through the assessment;
- (o) any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation;
- (p) a description of any assumptions, uncertainties and gaps in knowledge which relate to the assessment and mitigation measures proposed;
- (q) a reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;
- (r) where the proposed activity does not include operational aspects, the period for which the environmental authorisation is required and the date on which the activity will be concluded and the post construction monitoring requirements finalised;
- (s) an undertaking under oath or affirmation by the EAP in relation to-
[Words preceding sub-para. (i) amended by GN 326/2017]
 - (i) the correctness of the information provided in the reports;
 - (ii) the inclusion of comments and inputs from stakeholders and I&APs;

- (iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and
- (iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties;

(t)

[Para. (t) substituted by GN 326/2017 and deleted by GN 517/2021]

- (u) an indication of any deviation from the approved scoping report, including the plan of study, including-
 - (i) any deviation from the methodology used in determining the significance of potential environmental impacts and risks; and
 - (ii) a motivation for the deviation;
 - (v) any specific information that may be required by the competent authority; and
 - (w) any other matters required in terms of [section 24](#)(4)(a) and (b) of the Act.
- (2) Where a government notice gazetted by the Minister provides for any protocol or minimum information requirement to be applied to an environmental impact assessment report the requirements as indicated in such notice will apply.
 [Subs. (2) substituted by GN 326/2017]

APPENDIX 4

1. Content of environmental management programme (EMPr)

- (1) An EMPr must comply with [section 24N](#) of the Act and include-
 - (a) details of-
 - (i) the EAP who prepared the EMPr; and
 - (ii) the expertise of that EAP to prepare an EMPr, including a curriculum vitae;
 - (b) a detailed description of the aspects of the activity that are covered by the EMPr as identified by the project description;
 - (c) a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers;

[Para. (c) substituted by GN 326/2017]

- (d) a description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including-

[Words preceding sub-para. (i) substituted by GN 326/2017]

- (i) planning and design;
- (ii) pre-construction activities;
- (iii) construction activities;

- (iv) rehabilitation of the environment after construction and in the case of a closure activity, closure; and

[Sub-para. (i) substituted by GN 517/2021]

- (v) where relevant, operation activities;

- (e)

[Para. (e) deleted by GN 326/2017]

- (f) a description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) will be achieved, and must, where applicable, include actions to-

[Words preceding sub-para. (i) substituted by GN 326/2017]

- (i) avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;

- (ii) comply with any prescribed environmental management standards or practices; and

[Sub-para. (ii) amended by GN 517/2021]

- (iii) comply with any applicable provisions of the Act regarding closure, in the case of a closure activity.

[Sub-para. (iii) amended by GN 517/2021]

- (iv)

[Sub-para. (iv) deleted by GN 517/2021]

- (g) the method of monitoring the implementation of the impact management actions contemplated in paragraph (f);
- (h) the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f);
- (i) an indication of the persons who will be responsible for the implementation of the impact management actions;

- (j) the time periods within which the impact management actions contemplated in paragraph (f) must be implemented;
 - (k) the mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f);
 - (l) a program for reporting on compliance, taking into account the requirements as prescribed by the Regulations;
 - (m) an environmental awareness plan describing the manner in which-
 - (i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and
 - (ii) risks must be dealt with in order to avoid pollution or the degradation of the environment; and
 - (n) any specific information that may be required by the competent authority.
- (2) Where a government notice gazetted by the Minister provides for a generic EMPr, such generic EMPr as indicated in such notice will apply.
 [Sub-reg. (2) added by GN 326/2017]

APPENDIX 5

1. Content of closure plan

- (1) A closure plan must include-
 - (a) details of-
 - (i) the EAP who prepared the closure plan; and
 - (ii) the expertise of that EAP;
 - (b) closure objectives;
 - (c) proposed mechanisms for monitoring compliance with and performance assessment against the closure plan and reporting thereon;
 - (d) measures to rehabilitate the environment affected by the undertaking of any listed activity or specified activity and associated closure to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development, including a handover report, where applicable;
 - (e) information on any proposed avoidance, management and mitigation measures that will be taken to address the environmental impacts resulting from the undertaking of the closure activity;

- (f) a description of the manner in which it intends to-
 - (i) modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation during closure;
 - (ii) remedy the cause of pollution or degradation and migration of pollutants during closure;
 - (iii) comply with any prescribed environmental management standards or practices; and
 - (iv) comply with any applicable provisions of the Act regarding closure;
- (g) time periods within which the measures contemplated in the closure plan must be implemented;
- (h) the process for managing any environmental damage, pollution, pumping and treatment of extraneous water or ecological degradation as a result of closure; and
 [Para. (h) amended by GN 326/2017 and GN 517/2021]
- (i) details of all public participation processes conducted in terms of [regulation 41](#) of the Regulations, including-
 - (i) copies of any representations and comments received from registered interested and affected parties;
 - (ii) a summary of comments received from, and a summary of issues raised by registered interested and affected parties, the date of receipt of these comments and the response of the EAP to those comments;
 - (iii) the minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants; and
 [Sub-para. (iii) amended by GN 517/2021]
 - (iv) where applicable, an indication of the amendments made to the plan as a result of public participation processes conducted in terms of [regulation 41](#) of these Regulations.
 [Sub-para. (iv) amended by GN 326/2017 and GN 517/2021]
- (j)
 [Para. (j) deleted by GN 517/2021]

APPENDIX 6

(READ WITH : Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the act, when applying for environmental authorisation - [GN 320/2020](#))

1. Specialist reports

- (1) A specialist report prepared in terms of these Regulations must contain-
- (a) details of-
 - (i) the specialist who prepared the report; and
 - (ii) the expertise of that specialist to compile a specialist report including a curriculum vitae;
 - (b) a declaration that the specialist is independent in a form as may be specified by the competent authority;
 - (c) an indication of the scope of, and the purpose for which, the report was prepared;
 - (cA) an indication of the quality and age of base data used for the specialist report;
[Para. (cA) inserted by GN 326/2017]
 - (cB) a description of existing impacts on the site, cumulative impacts of the proposed development and levels of acceptable change;
[Para. (cB) inserted by GN 326/2017]
 - (d) the duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment;
[Para. (d) substituted by GN 326/2017]
 - (e) a description of the methodology adopted in preparing the report or carrying out the specialised process inclusive of equipment and modelling used;
[Para. (e) substituted by GN 326/2017]
 - (f) details of an assessment of the specific identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives;
[Para. (f) substituted by GN 326/2017]
 - (g) an identification of any areas to be avoided, including buffers;
 - (h) a map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers;
 - (i) a description of any assumptions made and any uncertainties or gaps in knowledge;
 - (j) a description of the findings and potential implications of such findings on the impact of the proposed activity or activities;
[Para. (j) substituted by GN 326/2017]
 - (k) any mitigation measures for inclusion in the EMPr;

- (l) any conditions for inclusion in the environmental authorisation;
 - (m) any monitoring requirements for inclusion in the EMPr or environmental authorisation;
 - (n) a reasoned opinion-
 - (i) whether the proposed activity, activities or portions thereof should be authorised;
[Sub-para. (i) substituted by GN 326/2017]
 - (iA) regarding the acceptability of the proposed activity or activities; and
[Sub-para. (iA) inserted by GN 326/2017]
 - (ii) if the opinion is that the proposed activity, activities or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMPr, and in the case of a closure activity, the closure plan;
[Sub-para. (ii) substituted by GN 326/2017 and amended by GN 517/2021]
 - (o) a description of any consultation process that was undertaken during the course of preparing the specialist report;
 - (p) a summary and copies of any comments received during any consultation process and where applicable all responses thereto; and
 - (q) any other information requested by the competent authority.
- (2) Where a government notice gazetted by the Minister provides for any protocol or minimum information requirement to be applied to a specialist report, the requirements as indicated in such notice will apply.
[Para. (2) substituted by GN 326/2017]

APPENDIX 7

1. Environmental audit report

The environmental audit report must provide for recommendations regarding the need to amend the EMPr and the closure plan in the case of a closure activity.

[Para. (1) substituted by GN 517/2021]

2. Objective of the environmental audit report

The objective of the environmental audit report is to-

(a) report on-

- (i) the level of compliance with the conditions of the environmental authorisation and the EMPr and the closure plan in the case of a closure activity; and

- (ii) the extent to which the avoidance, management and mitigation measures provided for in the EMPr and closure plan achieve the objectives and outcomes of the EMPr and closure plan;
- (b) identify and assess any new impacts and risks as a result of undertaking the activity;
- (c) evaluate the effectiveness of the EMPr, and the closure plan in the case of a closure activity;
- (d) identify shortcomings in the EMPr, and the closure plan in the case of a closure activity; and
- (e) identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr, and the closure plan in the case of a closure activity.

[Para. (2) amended by GN 326/2017 and substituted by GN 517/2021]

3. Content of environmental audit reports

- (1) An environmental audit report prepared in terms of these Regulations must contain-
 - (a) details of the-
 - (i) independent person who prepared the environmental audit report; and
[Sub-para. (i) amended by GN 326/2017]
 - (ii) expertise of the independent person that compiled the environmental audit report;
[Sub-para. (ii) amended by GN 326/2017]
 - (b) a declaration that the independent auditor is independent in a form as may be specified by the competent authority;
 - (c) an indication of the scope of, and the purpose for which, the environmental audit report was prepared;
 - (d) a description of the methodology adopted in preparing the environmental audit report;
 - (e) an indication of the ability of the EMPr, and the closure plan to in the case of a closure activity to-
 - (i) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an ongoing basis;

(ii) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility in the case of a closure activity; and

(iii) ensure compliance with the provisions of environmental authorisation, EMPr, and the closure plan in the case of a closure activity;

[Para. (e) substituted by GN 517/2021]

(f) a description of any assumptions made, and any uncertainties or gaps in knowledge;

(g) a description of any consultation process that was undertaken during the course of carrying out the environmental audit report;

(h) a summary and copies of any comments that were received during any consultation process; and

[Para. (h) re-numbered by GN 326/2017]

(i) any other information requested by the competent authority.

[Para. (i) re-numbered by GN 326/2017]

Yellow highlighting indicates the latest amendments annotated and are in force.

Grey highlighting indicates proposed amendments which are not in force.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 1 OF 2014

Published under Government Notice R983 in *Government Gazette* 38282 of 4 December 2014 and amended by:

GN 327	GG 40772	20170407	w.e.f. 7 April 2017
GN 706	GG 41766	20180713	w.e.f. 13 July 2018
GN 517	GG 44701	20210611	w.e.f. 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

- [1. Purpose](#)
 - [2. Definitions](#)
 - [3. Identified activities and competent authorities](#)
 - [4. Repeal of notice 544 of 18 June 2010](#)
 - [5. Short title](#)
- [APPENDIX 1](#)

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 GN 327/2017]

"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 to the extent that it cannot be recommissioned;

[Definition of "closure" inserted by GN 517/2021]

"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 GN 327/2017]

"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" means to take out of active service permanently or dismantle partly or wholly, or closure of a facility to the extent that it cannot be readily re-commissioned;

[Definition of "decommissioning" deleted by GN 517/2021]

"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 GN 327/2017]

"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 GN 517/2021]

"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 GN 517/2021]

"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 GN 327/2017]

"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 GN 517/2021]

"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 GN 517/2021]

"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 GN 327/2017]

"previous NEMA notices" means the previous notices published in terms of [sections 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 GN 327/2017 and amended by GN 706/2018]

"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 GN 327/2017]

"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 para. (a) substituted by GN 327/2017]

- (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) "recoinnaisance permit";
- (j) "residue deposit"; and
- (k) "residue stockpile".

[Sub-para. (3) substituted by GN 517/2021]

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.

[Subs. (2) substituted by GN 327/2017]

- (3)

[Subs. (3) deleted by GN 327/2017]

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 GN 327/2017]

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.

[First para. substituted by GN 517/2021]

The exception mentioned in (b) above does not apply to the following activities contained in this Notice: 4; 5; 6; 7; 8; 23; 29; 30; 38; 39; 40; 41; 42; 43; 44; and 61.

Activity number	Activity description
1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where- (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; excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs- (a) within an urban area; or (b) on existing infrastructure.
2	The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where- (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.
3	The development and related operation of facilities or infrastructure for the slaughter of animals with a- (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	The development and related operation of facilities or infrastructure for the concentration of animals in densities that exceed- (i) 20 square metres per large stock unit and more than 500 units per facility; (ii) 8 square meters per small stock unit and;

	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	The development and related operation of facilities or infrastructure for the concentration of- (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	The development and related operation of facilities, infrastructure or structures for aquaculture of- (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); 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	The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water- (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where- (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	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- (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where- (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	The development of facilities or infrastructure for the transmission and distribution of electricity- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is- (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 kilometres or shorter in length; (c) within an existing transmission line servitude; and

	(d) will be removed within 18 months of the commencement of development.
12	The development of- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs- (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;- excluding- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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. [Activity 12 amended by GN 517/2021]
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- (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- (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of- (a) 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 with a development footprint of 50 square metres or more- but excluding- (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

	(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; (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 (dd) where such development occurs within an urban area.
18	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- (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 (ii) such planting of vegetation or placing of material will occur behind a development setback.
19	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; but excluding where such infilling, depositing, dredging, excavation, removal or moving- (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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	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- (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or

	(iii) the sea;- but excluding where such infilling, depositing , dredging, excavation, removal or moving- (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 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.
20	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. [Activity 20 substituted by GN 517/2021]
21	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. [Activity 21 substituted by GN 517/2021]
21A	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- (a) any desktop study; and (b) any arial survey. [Activity 21A inserted by GN 517/2021]
21B	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- (a) any desktop study; and

	(b) any arial survey. [Activity 21B inserted by GN 517/2021]
21C	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- (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. [Activity 21C inserted by GN 517/2021]
21D	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. [Activity 21D inserted by GN 517/2021]
21E	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. [Activity 21E inserted by GN 517/2021 w.e.f. 11 December 2021]
21F	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. [Activity 21F inserted by GN 517/2021 w.e.f. a date yet to be published]
22	 [Activity 22 deleted by GN 517/2021]
23	The development of cemeteries of 2 500 square metres or more in size.
24	The development of a road- (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;

	but excluding a road- (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;- excluding- (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 (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land. [Activity 26 amended by GN 517/2021]
27	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- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
28	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: (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; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

29	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).
30	Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
31	The closure of existing facilities, structures or infrastructure for- (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) ... (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 (v) any activity regardless the time the activity was commenced with, where such activity: (a) is similarly listed to an activity in (i) or (ii) above; and (b) is still in operation or development is in progress; excluding where- (aa) (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 (cc) such closure forms part of a mining application, in which case the requirements of the Financial Provisioning Regulations apply. [Activity 31 substituted by GN 517/2021]
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	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-

	(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; (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 (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.
35	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; excluding- (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 (iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land. [Activity 35 amended by GN 517/2021]
36	The expansion of facilities or structures for the generation of electricity from a renewable resource where- (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; excluding where such expansion of facilities or structures is for photovoltaic installations and occurs- (a) within an urban area; or (b) on existing infrastructure.

37	The expansion and related operation of facilities for the generation of electricity from a non-renewable resource where- (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	The expansion and related operation of facilities for the slaughter of animals where the daily product throughput will be increased by more than- (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	The expansion and related operation of facilities for the concentration of animals in densities that will exceed- (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; (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	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- (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	The expansion and related operation of facilities, infrastructure or structures for aquaculture of-

	(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; (i) 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 (ii) aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more; 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 apply.
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	The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure- (i) has an internal diameter of 0,36 metres or more; or (i) has a peak throughput of 120 litres per second or more; and (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; excluding where such expansion- (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	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- (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

	(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; excluding where such expansion- (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 (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	The expansion of- (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; where such expansion occurs- (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; excluding- (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.

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.
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	The expansion of facilities- (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of- (a) 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, but excluding- (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 (bb) where such expansion occurs within an urban area.

55	Expansion- (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of- (a) facilities associated with the arrival and departure of vessels and the handling of cargo; (b) piers; (c) inter- and sub-tidal structures for entrapment of sand; (d) breakwater structures; (e) coastal marinas; (f) coastal harbours or ports; (g) tunnels; or (h) underwater channels; 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.
56	The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre- (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; 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- (i) an anchored platform; or (ii) any other structure or infrastructure; 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.
66	The expansion of a dam where-

	(i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or (ii) where the high-water mark of the dam will be increased with 10 hectares or more.
66A	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. [Activity 66A inserted by GN 517/2021]
67	Phased activities for all activities- (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; excluding the following activities listed in this Notice- 17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d); 20; 21; ; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; 64; and 65; or (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;

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.

[Activity 67 amended by GN 517/2021]

Yellow highlighting indicates the latest amendments annotated and are in force.

Grey highlighting indicates proposed amendments which are not yet in force.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 2 OF 2014

Published under Government Notice R984 in *Government Gazette* 38282 of 4 December 2014 and amended by:

GN 325	GG 40772	2017/04/07	w.e.f. 7 April 2017
GN 517	GG 44701	2021/06/11	w.e.f. 11 June 2021

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

(Signed)
BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

- [1. Purpose](#)
- [2. Definitions](#)
- [3. Identified activities and competent authorities](#)
- [4. Repeal of notice 545 dated 18 June 2010](#)
- [5. Short title](#)

[APPENDIX 1](#)

1. Purpose

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

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-

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

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

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

[Definition of "dam" substituted by GN 325/2017]

"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;

"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 GN 325/2017]

"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 GN 715/2021]

"hydraulic fracturing" means a well stimulation technique in which rock is fractured by a pressurised 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 GN 715/2021]

"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;

"linear development 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 development activity" substituted by GN 325/2017]

"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 GN 715/2021]

"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 GN 715/2021]

"route determination" means the process of planning and designing a new route;

"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;

"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;

"virgin soil" means land not cultivated for the preceding 10 years.

"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
- (d) 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 para. (a) substituted by GN 325/2017]

- (a) "estuary";
- (b) "high-water mark";
- (c) "littoral active zone";
- (d) "low-water mark"; and
- (e) "sea".

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

- (a) "exploration right";
- (b) "mine";
- (c) "mineral";

- (d) "mining area";
- (e) "mining operation";
- (f) "mining right";
- (g) "petroleum";
- (h) "production right"; and
- (i) "prospecting right".

[Sub-para. (3) amended by GN 325/2017 and substituted by GN 715/2021]

3. Identified activities and competent authorities

- (1) The activities identified in Appendix 1 may not commence without environmental authorisation from the competent authority.
- (2) The investigation, assessment and communication of the potential impact of activities must follow the procedure as prescribed in regulations 21, 22, 23 and 24 of the Environmental Impact Assessment Regulations published in terms of [sections 24](#)(5) of the Act, unless otherwise indicated by the Minister in a government notice.

[Subs. (2) substituted by GN 325/2017]

- (3)

[Subs. (3) deleted by GN 325/2017]

4. Repeal of notice 545 dated 18 June 2010

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

5. Short title

This Listing Notice is called the Environmental Impact Assessment Regulations Listing Notice 2 of 2014, and takes effect on 08 December 2014.

APPENDIX 1

[Appendix 1 substituted by GN 325/2017]

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.

[First para. substituted by GN 715/2021]

The exception mentioned in (b) above does not apply to the following activities contained in this Notice: 3; 8(i); 13; 26; 27; and 29.

Activity number	Activity description
1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs- (a) within an urban area; or (b) on existing infrastructure.
2	The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where the electricity output is 20 megawatts or more.
3	The development and related operation of facilities or infrastructure for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products, nuclear waste or radioactive waste.
4	The development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.
5	The development and related operation of facilities or infrastructure for the processing of a petroleum resource, including the beneficiation or refining of gas, oil or petroleum products with an installed capacity of 50 cubic metres or more per day, excluding activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies.
6	The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding- (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or

	(iv) where the development is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will not exceed 50 cubic metres per day.
7	The development and related operation of facilities or infrastructure for the bulk transportation of dangerous goods- (i) in gas form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 700 tons per day; (ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 50 cubic metres per day; or (iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons per day.
8	The development of- (i) airports; or (ii) runways or aircraft landing strips longer than 1,4 kilometres.
9	The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is- (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 kilometres or shorter in length; (c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.
10	
11	The development of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following- (i) water catchments; (ii) water treatment works; or (iii) impoundments; excluding treatment works where water is to be treated for drinking purposes.
12	The development of railway lines, stations or shunting yards excluding- (i) railway lines, shunting yards and railway stations in industrial complexes or zones;

	(ii) underground railway lines in a mining area; or (iii) additional railway lines within the railway line reserve.
13	The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.
14	The development and related operation of- (i) ... (ii) an anchored platform; or (iii) any other structure or infrastructure- on, below or along the sea bed; excluding- (a) development of facilities, infrastructure or structures for aquaculture purposes; or (b) the development of temporary structures or infrastructure where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared.
15	The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
16	The development 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.
17	Any activity including the operation of that activity which requires a mining right in terms of section 22 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the mining right. [Activity 17 substituted by GN 715/2021]
18	Any activity including the operation of that activity 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, in Listing Notice 1 of 2014 or in Listing Notice 3 of 2014, required to exercise the exploration right, excluding- (a) any desktop study;

	(b) any aerial survey; (c) any onshore seismic survey which is included in activity 21C in Listing Notice 1 of 2014, in which case that activity applies; (d) a hydraulic fracturing activity which is included in activity 20A, in which case activity 20A of this Notice applies; and (e) the processing of a petroleum resource, including the beneficiation or refining of gas, oil or petroleum products, in which case activity 5 of this Notice applies [Activity 18 substituted by GN 715/2021]
19	The removal and disposal of a mineral, which requires a permission ated in terms of section 20 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission. [Activity 19 substituted by GN 715/2021]
20	Any activity including the operation of that activity which requires a production right in terms of section 83 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the production right. [Activity 20 substituted by GN 715/2021]
20A	Hydraulic fracturing including the operation as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required for hydraulic fracturing and related operation. [Activity 20 substituted by GN 715/2021]
21	
22	
23	The reclamation of an island or parts of the sea.
24	The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils, but excluding where such extraction or removal is for the rehabilitation of wetlands in accordance with a maintenance management plan.
25	The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of 15 000 cubic metres or more.
26	Development- (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or

	(v) if no development setback exists, within a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever is the greater; in respect of- (a) facilities associated with the arrival and departure of vessels and the handling of cargo; (b) piers; (c) inter- and sub-tidal structures for entrapment of sand; (d) breakwater structures; (e) coastal marinas; (f) coastal harbours or ports; (g) tunnels; or (h) underwater channels; but excluding the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour.
27	The development of a road- (i) ... (ii) ... (iii) with a reserve wider than 30 metres; or (iv) catering for more than one lane of traffic in both directions; but excluding a road- (a) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies; (b) which is 1 kilometre or shorter; or (c) where the entire road falls within an urban area.
28	
29	The expansion and related operation of facilities for nuclear reaction including energy generation, the production, enrichment, processing, reprocessing, storage or disposal of nuclear fuels, radioactive products, nuclear waste or radioactive waste.

Yellow highlighting indicates the latest amendments annotated and are in force.

Grey highlighting indicates proposed amendments which are not in force.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 3 OF 2014

Published under Government Notice R985 in *Government Gazette* 38282 of 4 December 2014 and amended by:

GN 324	GG 40772	2017/04/07	w.e.f. 7 April 2017
GN 706	GG 41766	2017/07/13	w.e.f. 13 July 2018
GN 517	GG 44701	2021/06/11	w.e.f. 11 June 2021

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby repeal Listing Notice 3 of 2010, published under Notice No. 546 in *Gazette* No. 33306 dated 18 June 2010, and publish Listing Notice 3 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

- [1. Purpose](#)
- [2. Definitions](#)
- [3.](#)
- [4. Repeal of notice 546 of 18 June 2010](#)
- [5. Short title](#)

[APPENDIX 1](#)

1. Purpose

The purpose of this Notice is to list activities and identify competent authorities under [sections 24\(2\)](#), [24\(5\)](#) and [24D](#) of the Act, where environmental authorisation is required prior to commencement of that activity in specific identified geographical areas only.

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-

"aquatic critical biodiversity areas" means linkages between catchment, important rivers and sensitive estuaries whose safeguarding is critically required in order to meet biodiversity pattern and process thresholds and are spatially defined as part of a bioregional plan or systematic biodiversity plan, available on the South African National Biodiversity Institute's BGIS website (<http://bgis.sanbi.org/WCBF14/project.asp>);

"bioregional plan" means the bioregional plan contemplated in [Chapter 3](#) of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004);

[Definition of "bioregional plan" substituted by GN 324/2017]

"buffer area" means, unless specifically defined, an area extending 10 kilometres from the proclaimed boundary of a world heritage site or national park and 5 kilometres from the proclaimed boundary of a nature reserve, respectively, or that defined as such for a biosphere;

"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;

"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" inserted by GN 324/2017]

"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 GN 324/2017]

"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;

"estuarine functional zone" means the area in and around an estuary which includes the open water area, estuarine habitat (such as sand and mudflats, rock

and plant communities) and the surrounding floodplain area, as defined by the area below the 5 m topographical contour (referenced from the indicative mean sea level)";

"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;

"Gauteng Agricultural Potential Atlas" means the Gauteng Agricultural Potential Atlas, which can be obtained from the Gauteng Provincial Department responsible for environmental affairs;

"Gauteng Conservation Plan" means a systematic conservation planning tool delineating biodiversity priority areas representative of biodiversity pattern, process and species of special concern, which areas have been identified in three broad categories; namely, Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) and Protected Areas;

"Gauteng Protected Area Expansion Strategy" means a framework for protected area expansion in Gauteng, setting out key strategies for protected area expansion and identifying spatial priorities and protected area targets and is aligned to the National Protected Area Expansion Strategy as it identifies finer scaled provincial priorities based on regional and local conservation imperatives;

"Important Bird and Biodiversity Areas (IBA)" means areas / sites that hold significant numbers of globally and/or regionally threatened species (Categories A1 and C1); sites that are known or thought to hold a significant component of a group of species whose breeding distributions define an Endemic Bird Area (EBA) (Category A2); sites that are known or thought to hold a significant component of a group of species whose distributions are largely or wholly confined to one biome (Category A3);

"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;

"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;

"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, 2002 (Act No. 28 of 2002) and includes hydraulic fracturing and reclamation;

[Definition of "mining application" inserted by GN 517/2021]

"National Protected Area Expansion Strategy (NPAES)" means South Africa's national strategy for expansion of the protected area network, led by the National Department responsible for environmental affairs and developed in collaboration with national and provincial conservation authorities. The NPAES sets targets for protected area expansion, provides maps of the most important areas for protected area expansion, and makes recommendations on mechanisms for protected area expansion. Focus areas for protected area expansion are identified in the NPAES. They are large, intact, unfragmented areas of high importance for land-based protected area expansion, suitable for the creation or expansion of large protected areas;

"NEMBA" means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"NEMPAA" means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

"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 GN 324/2017]

"previous NEMA notices" means the previous notices published in terms of [sections 24](#)(2) of NEMA (Government Notices No. R. 386 and R. 387 in the *Government Gazette* of 21 April 2006, as amended, or Government Notices No. R. 544, R. 545 and R. 546 in the *Government Gazette* of 18 June 2010, as amended, or Government Notices No. R 983, R. 984 and R. 985 in the *Government Gazette* of 4 December 2014);

[Definition of "previous NEMA notices" substituted by GN 324/2017 and amended by GN 706/2018]

"protected area" means those protected areas contemplated in [section 9](#) of the NEMPAA and the core area of a biosphere reserve and shall include their buffers;

"sites or areas listed in terms of an International Convention" means any area and its buffer, unless specifically defined, of 5 kilometres extending from its listed boundary, listed in terms of an international convention but does not include world heritage sites, and shall include but not be limited to the Ramsar Convention on Wetlands (Ramsar, Iran, 1971);

"systematic biodiversity plan" is a plan that identifies important areas for biodiversity conservation, taking into account biodiversity patterns (i.e. the principle of representation) and the ecological and evolutionary processes that sustain them (i.e. the principle of persistence). A systematic biodiversity plan must set quantitative targets/thresholds for aquatic and terrestrial biodiversity features in order to conserve a representative sample of biodiversity pattern and ecological processes;

"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;

"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
- (d) 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 para. (a) substituted by GN 324/2017]

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

(3)

[Sub-para. (3) deleted by GN 517/2021]

- (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.
- (3)
[Subs. (3) deleted by GN 324/2017]

4. Repeal of notice 546 of 18 June 2010

Notice No. 546 published in *Gazette* 33306 on 18 June 2010 is hereby repealed.

5. Short title

This Listing Notice is called Environmental Impact Assessment Regulations Listing Notice 3 of 2014, and takes effect on 08 December 2014.

APPENDIX 1

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.

[First para. substituted by GN 517/2021]

The exception mentioned in (b) above does not apply to the following activities contained in this Notice: 5; 6; 9; 11; 13; 17; 21; 24; 25 and 26.

Activity number	Activity description	Geographical areas based on environmental attributes
1	The development of billboards exceeding 18 square metres in size outside urban areas, mining areas or industrial complexes.	a. Eastern Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites;

		iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an international convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; ix. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or x. In an estuarine functional zone, excluding areas falling behind the development setback line.
		b. Free State i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an international convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; or

		viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Important Bird and Biodiversity Areas (IBA); vii. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; viii. Sites or areas identified in terms of an international convention; ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; x. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xi. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas;

		iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. In an estuarine functional zone; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or xiii. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter

		5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an international convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; or viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.
		f. Mpumalanga i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an international convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; or viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation.
		g. Northern Cape i. A protected area identified in terms of NEMPAA, excluding conservancies;

		ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an international convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; ix. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or x. In an estuary.
		h. North West i. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; ii. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; iii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; iv. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or a biosphere reserve;

		v. Any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; or vi. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999).
		i. Western Cape i. All areas outside urban areas, mining areas or industrial complexes.
2	The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.	a. Eastern Cape i. In a protected area identified in terms of NEMPAA, excluding conservancies; ii. Outside urban areas, in: (aa) National Protected Area Expansion Strategy Focus areas; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (cc) Sites or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ee) Core areas in biosphere reserves; (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (gg) In an estuarine functional zone, excluding areas falling behind the development setback line; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or iii. Inside urban areas:

		(aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or (cc) Areas seawards of the development setback line or within urban protected areas.
		b. Free State i. In a protected area identified in terms of NEMPAA, excluding conservancies; ii. Outside urban areas: (aa) National Protected Area Expansion Strategy Focus areas; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (cc) Sites or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ee) Core areas in biosphere reserves; or (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or (cc) Areas within urban protected areas.

		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; x. Sites zoned for conservation use or public open space or equivalent zoning; or xi. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone;

		vi. In a protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (cc) Within urban protected areas.
		e. Limpopo i. In a protected area identified in terms of NEMPAA, excluding conservancies;

		ii. Outside urban areas: (aa) National Protected Area Expansion Strategy Focus areas; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (cc) Sites or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ee) Core areas in biosphere reserves; or (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or (cc) Areas within urban protected areas.
		f. Mpumalanga i. In a protected area identified in terms of NEMPAA, excluding conservancies; ii. Outside urban areas: (aa) National Protected Area Expansion Strategy Focus areas; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

		(cc) Sites or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ee) Core areas in biosphere reserves; or (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. In a protected area identified in terms of NEMPAA, excluding conservancies; iii. Outside urban areas: (aa) National Protected Area Expansion Strategy Focus areas; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (cc) Sites or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ee) Core areas in biosphere reserves;

		(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or (cc) Areas seawards of the development setback line or within urban protected areas.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; or iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999).
		i. Western Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.

3	The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower- (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height- but excluding attachments to existing buildings and masts on rooftops.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) In an estuarine functional zone, excluding areas falling behind the development setback line; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas:

		(aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;

		v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; x. Sites zoned for conservation use or public open space or equivalent zoning; or xi. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. World Heritage Sites; v. Biodiversity Stewardship Programme Biodiversity Agreement areas; vi. A protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves;

		x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: (aa) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Within urban protected areas; (cc) Areas zoned for use as public open space; or (dd) Areas within 1 kilometre from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

		(dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres

		from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (cc) Ramsar sites; or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (ee) Core areas in biosphere reserves; or (ff) Areas within 5 kilometres from protected areas identified in terms of NEMPAA or a biosphere reserve.
		i. Western Cape i. All areas outside urban areas; ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or iii. Areas zoned for use as public open space or equivalent zoning within urban areas.
4	The development of a road wider than 4 metres with a reserve less than 13,5 metres.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;

		(bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) In an estuarine functional zone, excluding areas falling behind the development setback line; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Seawards of the development setback line or within urban protected areas.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;

		(bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within urban protected areas.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;

		v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; viii. Important Bird and Biodiversity Area (IBA); ix. Sites or areas identified in terms of an international convention; x. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; xi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xii. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. World Heritage Sites; vi. A protected area identified in terms of NEMPAA; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves;

		x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (cc) Within urban protected areas.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention;

		(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within urban protected areas.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres

		from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water

		mark of the sea if no such development setback line is determined; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Seawards of the development setback line or within urban protected areas.
		h. North West i. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; ii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; iii. Sites or areas identified in terms of an international convention; iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Core areas in biosphere reserves; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from a biosphere reserve; vii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or viii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999).
		i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas;

		(aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.
5	The development of resorts, lodges, hotels, tourism or hospitality facilities that sleep less than 15 people.	a. Eastern Cape i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (cc) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or (dd) In an estuarine functional zone, excluding areas falling behind the development setback line; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; or

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. Gauteng Protected Area Expansion Priority Areas; iii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iv. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; v. Sites or areas identified in terms of an international convention;

		vi. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; vii. Important Bird and Biodiversity Area (IBA); viii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or x. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. Trans-frontier protected areas managed under international conventions; iv. Community Conservation Areas; v. Biodiversity Stewardship Programme Biodiversity Agreement areas; vi. Provincial Protected Area Expansion Strategy Focus areas; vii. In an estuarine functional zone; viii. World Heritage Sites; ix. A protected area identified in terms of NEMPAA; x. Sites or areas identified in terms of an international convention; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter

		5 of the Act and as adopted by the competent authority; xii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; xiii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xiv. Outside urban areas: (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Areas within a watercourse; or within 100 metres from the edge of a watercourse; or

		iv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation. iii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. A protected area identified in terms of the NEMPAA; ii. Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; iii. In an estuary;

		iv. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or v. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
6	The development of resorts, lodges,	a. Eastern Cape

	hotels, tourism or hospitality facilities that sleeps 15 people or more	i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (jj) An estuarine functional zone, excluding areas falling behind the development setback line; or (kk) A watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by
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		the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse or wetland, or within 100 metres of the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies;

		ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; ix. Important Bird and Biodiversity Area (IBA); x. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; xi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xii. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. A protected area identified in terms of NEMPAA, excluding conservancies;

		vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. World Heritage Sites; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo

		i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse; or within 100 metres from the edge of a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas;

		(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or (hh) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

		(dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority;

		v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas; (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.
7	The development of aircraft landing strips and runways 1,4 kilometres and shorter.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves;

		(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (jj) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (kk) An estuarine functional zone, excluding areas falling behind the development setback line; or (ll) A watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention;

		(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; or (ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas;

		viii. Sites or areas identified in terms of an international convention; ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; x. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; xi. Sites zoned for conservation use or public open space or equivalent zoning; or xii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; x. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core of a biosphere reserve; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter

		5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres

		from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; or (ii) A watercourse; or within 100 metres from the edge of a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve, where such areas comprise indigenous vegetation; or (ii) A watercourse or wetland, or within 100 metres of a watercourse or wetland; or

		ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		(jj) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve.
		i. Western Cape i. All areas outside urban areas.
8	The development and related operation of above ground cableways and funiculars.	a. Eastern Cape i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by

		the competent authority or zoned for a conservation purpose; (cc) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ee) Within a watercourse.
		b. Free State i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iii. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); iv. Sites or areas identified in terms of an international convention; v. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA;

		vi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vii. Sites zoned for conservation use or public open space or equivalent zoning; or viii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. All areas outside urban areas; or ii. Inside urban areas: (aa) In an estuarine functional zone; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; (cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (ff) Areas zoned for use as public open space; (gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (hh) Areas within a watercourse or wetland; (ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.

		e. Limpopo i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland.
		g. Northern Cape i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water

		mark of the sea if no such development setback line is determined.
		h. North West i. Outside urban areas: (aa) A protected area or within world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA; (bb) Core areas in biosphere reserves or 5 kilometres from the core areas of a biosphere reserve; (cc) All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; or (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or iii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. All areas outside urban areas.
9	The development and related operation of ziplines or foefieslides	a. Eastern Cape i. All areas outside urban areas; or ii. Inside urban areas:

	exceeding 100 metres in length.	(aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ee) Within a watercourse.
		b. Free State i. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; ii. A protected area identified in terms of NEMPAA, excluding conservancies; iii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in bioregional plans; iv. Sites or areas identified in terms of an international convention; v. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; vi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vii. Sites zoned for conservation use or public open space or equivalent zoning; or viii. Important Bird and Biodiversity Areas (IBA).
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies;

		ii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iii. Sites or areas identified in terms of an international convention; iv. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; v. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vi. Sites zoned for conservation use or public open space or equivalent zoning; or vii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. All areas outside urban areas; or ii. Inside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) In an estuarine functional zone; (cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (ff) Areas zoned for use as public open space; (gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;

		(hh) Areas within a watercourse or wetland; (ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland.
		g. Northern Cape i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space;

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve; iii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iv. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; vi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland
10	The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good,	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas;

	where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.	(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (jj) Within 500 metres of an estuarine functional zone, excluding areas falling behind the development setback line; (kk) In an estuarine functional zone, excluding areas falling behind the development setback line; or (ll) Within a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or
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		(cc) Within 500 metres of an estuarine functional zone, excluding areas falling behind the development setback line.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies;

		ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; viii. Sites or areas identified in terms of an international convention; ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; x. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; xi. Sites zoned for conservation use or public open space or equivalent zoning; or xii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; iii. Community Conservation Areas; iv. Biodiversity Stewardship Programme Biodiversity Agreement areas; v. World Heritage Sites; vi. Within 500 metres of an estuarine functional zone;

		vii. A protected area identified in terms of NEMPAA, excluding conservancies; viii. Sites or areas identified in terms of an international convention; ix. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; x. Core areas in biosphere reserves; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xiii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined;
		e. Limpopo i. All areas

		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, where such areas comprise indigenous vegetation; or (hh) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland;

		iii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) Within 500 metres of an estuary; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Within 500 metres of an estuary.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention;

		ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas; or iii. Inside urban areas: (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
11	The development of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of	a. Eastern Cape i. Outside urban areas, in an estuarine functional zone, excluding areas falling behind the development setback line; ii. In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the

	existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.	sea if no such development setback line is determined; or iii. Within areas of indigenous vegetation outside urban areas.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies;

		ii. Gauteng Protected Area Expansion Priority Areas; iii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iv. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; v. Sites or areas identified in terms of an international convention; vi. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; vii. Important Bird and Biodiversity Area (IBA); viii. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or ix. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; iii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Outside urban areas: (aa) Within areas of indigenous vegetation; or (bb) In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		vi. Inside urban areas: (aa) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (cc) Areas zoned for use as public open space.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by

		the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core of a biosphere reserve, where such areas comprise indigenous vegetation ; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		iii. Within areas of indigenous vegetation outside urban areas.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve; or vii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. Seawards of the development setback line or within 200 metres of the high water mark of the sea if no such development setback line is determined; or iii. Areas of indigenous vegetation outside urban areas.
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous	a. Eastern Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

	vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. Outside urban areas, within 100 metres inland from an estuarine functional zone; or v. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
		b. Free State i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or iv. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland
		c. Gauteng i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned

		open space, conservation or had an equivalent zoning.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vi. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; viii. A protected area identified in terms of NEMPAA, excluding conservancies; ix. World Heritage Sites; x. Sites or areas identified in terms of an international convention; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or

		xiii. In an estuarine functional zone.
		e. Limpopo i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
		f. Mpumalanga i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning or proclamation in terms of NEMPAA.
		g. Northern Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or

		iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or

		v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.
13	The development and related operation of facilities of any size for any form of aquaculture.	a. Eastern Cape i. Outside urban areas, in an estuarine functional zone, excluding areas falling behind the development setback line; ii. In a Protected Area identified in the NEMPAA; iii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or iv. Within a watercourse.
		b. Free State i. In a Protected Area identified in the NEMPAA; or ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		c. Gauteng i. In a Protected Area identified in the NEMPAA; ii. Within a watercourse; or iii. Areas within 100 meters measured perpendicular outward from the edge of a watercourse.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. In an estuarine functional zone; v. In a Protected Area identified in the NEMPAA; vi. World Heritage Sites;

		vii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; viii. Areas within a watercourse or wetland; ix. Sites or areas identified in terms of an international convention; x. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; xi. Core areas in biosphere reserves; xii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or xiii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority
		e. Limpopo i. In a Protected Area identified in the NEMPAA; or ii. Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga i. In a Protected Area identified in the NEMPAA; or ii. In an aquatic critical biodiversity area.
		g. Northern Cape i. In an estuary; ii. In a Protected Area identified in the NEMPAA; or iii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention;

		ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); or iv. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. In a Protected area identified in terms of NEMPAA; or iii. In an aquatic critical biodiversity area.
14	The development of- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs- (a) within a watercourse;	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in

	(b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.	terms of NEMPAA or from the core area of a biosphere reserve; (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (jj) In an estuarine functional zone, excluding areas falling behind the development setback line; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or (cc) Areas seawards of the development setback line.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity

		plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA;

		ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or x. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; ix. Core areas in biosphere reserves; x. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xi. Inside urban areas: (aa) Areas zoned for use as public open space;

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or (cc) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose.

		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

		(bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or (cc) Areas seawards of the development setback line.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention;

		ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve.
		i. Western Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas listed in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

15	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.	a. Eastern Cape i. Outside urban areas, or ii. Inside urban areas: (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.
		b. Gauteng i. All areas.
		c. Limpopo i. Inside urban areas.
		d. Mpumalanga i. Inside urban areas; or ii. A protected area identified in terms of NEMPAA, excluding conservancies.
		e. North West i. Inside urban areas; or ii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.
		f. Western Cape i. Outside urban areas, or ii. Inside urban areas: (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as

		contemplated in chapter 5 of the Act as adopted by the competent authority.
16	The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 cubic metres.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; (cc) Areas seawards of development setback line or within 100 metres of the high water mark of

		the sea where the development setback line has not been determined.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas;

		iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or x. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. In a protected area identified in terms of NEMPAA, excluding conservancies; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

		ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100 meters from the high-water mark of the sea if no such development setback line is determined; (cc) Areas within a watercourse or wetland; or (dd) Within urban protected areas.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as

		contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

		(gg) Core areas in biosphere reserves; or (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation ; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
		g. Northern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or

		(ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or (cc) Areas seawards of development setback line or within 100 metres of the high water mark of the sea where the development setback line has not been determined.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; or iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999).
		i. Western Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, including residential areas.
17	The expansion of a resort, lodge, hotel, tourism or hospitality	a. Eastern Cape i. Outside urban areas:

	facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.	(aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) In an estuarine functional zone, excluding areas falling behind the development setback line; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation; or (cc) Areas seawards of the development set back line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
		b. Free State i. Outside urban areas:

		(aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;

		v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention viii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; x. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xi. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. In an estuarine functional zone; v. A protected area identified in terms of NEMPAA, excluding conservancies; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. World Heritage Sites;

		x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas seawards of the development setback line or within 100m from the high-water mark of the sea if no such development setback line is determined; or (cc) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as

		contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or

		(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation ; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water

		mark of the sea if no such development setback line is determined; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation; or (cc) Areas seawards of the development set back line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or

		(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.
18	The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (jj) An estuarine functional zone, excluding areas falling behind the development setback line; or

		(kk) A watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; viii. Sites or areas identified in terms of an international convention; ix. Important Bird and Biodiversity Area (IBA); x. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; xi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xii. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas;

		iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. A protected area identified in terms of NEMPAA; vii. Sites or areas identified in terms of an international convention; viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ix. Core areas in biosphere reserves; x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or
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		(cc) Within urban protected areas.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse; or within 100 metres from the edge of a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

		(bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

		(dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; ii. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from a biosphere reserve; iii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; iv. Sites or areas identified in terms of an international convention;

		v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; vi. Core areas in biosphere reserves; vii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; viii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); or ix. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas: (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.
19	The expansion of runways or aircraft landing strips where the expanded runways or aircraft landing strips will be longer than 1,4 kilometres in length.	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as

		contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks and world heritage sites and 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (jj) In an estuarine functional zone, excluding areas falling behind the development setback line; or (kk) Within a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas;

		(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks and world heritage sites and 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004);

		vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; viii. Sites or areas identified in terms of an international convention; ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; x. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; xi. Sites zoned for conservation use or public open space or equivalent zoning; or xii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. Community Conservation Areas; ii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iii. In an estuarine functional zone; iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Core areas in biosphere reserves; ix. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;

		x. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core of a biosphere reserve; xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xii. Outside urban areas: (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100m high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

		(ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks and world heritage sites and 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse; or within 100 metres from the edge of a watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks and world heritage sites and 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or

		ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks and world heritage sites and 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or

		iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; ii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; iii. Sites or areas identified in terms of an international convention; iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Core areas in biosphere reserves; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from a biosphere reserve; or vii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999).
		i. Western Cape i. All areas outside urban areas.
20	The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased.	a. Eastern Cape i. Outside urban areas, in an estuarine functional zone, excluding areas falling behind the development setback line; ii. All areas outside urban areas; or iii. Inside urban areas: (aa) Areas zoned for use as public open space;

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or (ee) Within a watercourse.
		b. Free State i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iii. Sites or areas identified in terms of an international convention; iv. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA;

		v. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vi. Sites zoned for conservation use or public open space or equivalent zoning; or vii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. All areas outside urban areas; or ii. Inside urban areas: (aa) In an estuarine functional zone; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; (cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (ff) Areas zoned for use as public open space; (gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (hh) Areas within a watercourse or wetland; (ii) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or (jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo

		i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland.
		g. Northern Cape i. In an estuary; ii. All areas outside urban areas; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		(dd) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		h. North West i. Outside urban areas: (aa) A protected area or within world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA; (bb) Core areas in biosphere reserves or 5 kilometres from the core areas of a biosphere reserve; (cc) All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an international convention; or (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose; or iii. Areas within a watercourse or wetland, or within 100 metres from the edge a watercourse or wetland.
		i. Western Cape i. All areas outside urban areas;
21	The expansion of tracks or routes for the testing, recreational use or outdoor racing of	a. Eastern Cape i. Outside urban areas, in an estuarine functional zone, excluding areas falling behind the development setback line; or

	motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles, where the development footprint will be expanded.	ii. Within areas seaward of the development setback line or within 1 kilometre of the high-water mark if no development setback line is determined.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by

		the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. Gauteng Protected Area Expansion Priority Areas; iii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iv. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; v. Sites or areas identified in terms of an international convention; vi. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; vii. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or viii. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. In an estuarine functional zone; ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; iii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Outside urban areas: (aa) Within areas of indigenous vegetation; or

		(bb) In areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or vi. Inside urban areas: (aa) In areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (cc) Areas zoned for use as public open space.
		e. Limpopo i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas:

		(aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; or

		ii. Within areas seaward of the development setback line or within 1 kilometre of the high-water mark if no development setback line is determined.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve; or vii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. Seawards of the development setback line or within 200 metres from the high water mark of the sea if no such development setback line is determined; or iii. Areas of indigenous vegetation outside urban areas.
22	The expansion and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good,	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

	where such storage facilities or infrastructure will be expanded by 30 cubic metres or more but no more than 80 cubic metres.	(bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (jj) Within 500 metres of an estuarine functional zone, excluding areas falling behind the development setback line; (kk) An estuarine functional zone, excluding areas falling behind the development setback line; or (ll) A watercourse; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
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		(cc) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (dd) Within 500 metres of an estuarine functional zone, excluding areas falling behind the development setback line; or (ee) Within a watercourse.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or ii. Inside urban areas: (aa) Areas zoned for use as public open space;

		(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas; viii. Important Bird and Biodiversity Area (IBA); ix. Sites or areas identified in terms of an international convention; x. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; xi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or xii. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal

		i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. World Heritage Sites; v. In an estuarine functional zone; vi. Within 500 metres of an estuarine functional zone; vii. A protected area identified in terms of NEMPAA, excluding conservancies; viii. Sites or areas identified in terms of an international convention; ix. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; x. Core areas in biosphere reserves; xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; xiii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or
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		(cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or xiv. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. All areas
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or (hh) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland; or

		ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within 100 metres of a watercourse or wetland.
		g. Northern Cape i. In an estuary; ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; iii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

		(ii) Within 500 metres of an estuary; or iv. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Within 500 metres of an estuary.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas zoned for use as public open space, conservation or an equivalent zoning; ii. All areas outside urban areas; or iii. Areas inside urban areas: (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined;

		(bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
23	The expansion of- (i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs- (a) within a watercourse; (b) in front of a development setback adopted in the prescribed manner; or (c) if no development setback has been adopted,	a. Eastern Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ii) An estuarine functional zone, excluding areas falling behind the development setback line; or ii. Inside urban areas:

	within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.	(aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		b. Free State i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas:

		(aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Sensitive areas identified in an environmental management framework adopted by the relevant environmental authority; vii. Sites or areas identified in terms of an international convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; or ix. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; or x. Sites zoned for conservation use or public open space or equivalent zoning.
		d. KwaZulu-Natal i. Community Conservation Areas; ii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iii. In an estuarine functional zone;

		iv. A protected area identified in terms of NEMPAA, excluding conservancies; v. World Heritage Sites; vi. Sites or areas identified in terms of an international convention; vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; ix. Core areas in biosphere reserves; x. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or xi. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or (cc) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.
		e. Limpopo i. Outside urban areas:

		(aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; or (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		f. Mpumalanga i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

		(dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		g. Northern Cape i. In an estuary; ii. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an international convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves;

		(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve.
		i. Western Cape i. Outside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

		(bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas listed in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
24	The expansion and related operation of facilities of any size for any form of aquaculture.	a. Eastern Cape i. Outside urban areas, in an estuarine functional zone, excluding areas falling behind the development setback line; ii. In a Protected Area identified in the NEMPAA; iii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or iv. Within a watercourse.
		b. Free State i. In a Protected Area identified in the NEMPAA; or ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		c. Gauteng i. In a Protected Area identified in the NEMPAA; ii. Within a watercourse; or

		iii. Areas within 100 meters measured perpendicular outward from the edge of a watercourse.
		d. KwaZulu-Natal i. Trans-frontier protected areas managed under international conventions; ii. Community Conservation Areas; iii. Biodiversity Stewardship Programme Biodiversity Agreement areas; iv. In an estuarine functional zone; v. In a Protected Area identified in the NEMPAA; vi. World Heritage Sites; vii. Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; viii. Areas within a watercourse or wetland; ix. Sites or areas identified in terms of an international convention; x. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; xi. Core areas in biosphere reserves; xii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or xiii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.
		e. Limpopo i. In a Protected Area identified in the NEMPAA; or ii. Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga

		i. In a Protected Area identified in the NEMPAA; or ii. In an aquatic critical biodiversity area.
		g. Northern Cape i. In an estuary; ii. In a Protected Area identified in the NEMPAA; or iii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); or iv. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland
		i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. In a Protected area identified in terms of NEMPAA; or iii. In an aquatic critical biodiversity area.
25	The expansion and related operation of zip-lines or foefie-slides, where the zip-line or foefie-slide is expanded by 100 metres in length or more.	a. Eastern Cape i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;

		(cc) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or (ee) Within a watercourse.
		b. Free State i. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; ii. A protected area identified in terms of NEMPAA, excluding conservancies; iii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in bioregional plans; iv. Sites or areas identified in terms of an international convention; v. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; vi. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vii. Sites zoned for conservation use or public open space or equivalent zoning; or viii. Important Bird and Biodiversity Areas (IBA).
		c. Gauteng i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; iii. Sites or areas identified in terms of an international convention;

		iv. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the NEMPAA; v. Sites designated as nature reserves in terms of municipal Spatial Development Frameworks; vi. Sites zoned for conservation use or public open space or equivalent zoning; or vii. Important Bird and Biodiversity Areas (IBA).
		d. KwaZulu-Natal i. All areas outside urban areas; or ii. Inside urban areas: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) In an estuarine functional zone; (cc) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (ff) Areas zoned for use as public open space; (gg) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; (hh) Areas within a watercourse or wetland; (ii) Areas seawards of the development setback line or within 100 metres from the high-water

		mark of the sea if no such development setback line is determined; or (jj) Areas within 500 metres from terrestrial protected areas identified in terms of NEMPAA.
		e. Limpopo i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse; or within 100 metres from the edge of a watercourse.
		f. Mpumalanga i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland.
		g. Northern Cape i. All areas outside urban areas; or ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;

		(cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
		h. North West i. World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; ii. A protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other legislation; iii. All Heritage Sites proclaimed in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999); iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve; or vii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
26	Phased activities for all activities- i. listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or	All the areas as identified for the specific activities listed in this Notice.

	ii. similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices- 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; - excluding the following activities listed in this Notice- 7; 8; 11; 13; 20; 21; and 24.	
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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. 1816****3 March 2022****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****WITHDRAWAL OF AMENDMENT TO REGULATION 39(2) OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED, IN GOVERNMENT NOTICE NO. 517 PUBLISHED IN GOVERNMENT GAZETTE NO. 44701 OF 11 JUNE 2021**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby withdraw, with retrospective effect from 11 June 2021, paragraph 17 of Government Notice No. 517 published in *Government Gazette* No. 44701 of 11 June 2021, which amended regulation 39(2) of the Environmental Impact Assessment Regulations, 2014, as amended; and reinstate regulation 39(2) as it was immediately prior to 11 June 2021.

The reason for the withdrawal is due to the fact that the procedural requirements of public participation in terms of sections 44 and 47 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) were not adequately complied with.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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