

(2 August 2010 - to date)

## **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

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

### **ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 3 OF 2010**

*Published under Government Notice R546 in Government Gazette 33306. Commencement date: 2 August 2010 [Government Notice R663, Gazette No. 33411]*

#### **As amended by:**

*Amendments to the Environmental Impact Assessment Regulations, 2010 and Listing Notices – Government Notice R1159 in Government Gazette 33842. Commencement date: deemed to have taken effect on 2 August 2010*

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs hereby, under sections 24(2) and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), publish Listing Notice 3 of the activities and competent authorities identified as set out in the Schedule hereto.

(Signed)

**BUYELWA SONJICA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

#### **SCHEDULE**

##### **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 National Environmental Management Act, 1998, where environmental authorisation is required prior to commencement of that activity in specific identified geographical areas only.

##### **2. DEFINITIONS**

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

**"bioregional plan"** means the bioregional plan contemplated in Chapter 3 of the NEMBA;

"**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;

"**construction**" means the building, erection or establishment of a facility, structure or infrastructure 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 and excluding the reconstruction of the same facility in the same location, with the same capacity and footprint;

"**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;

*(Definition of "dangerous goods" inserted by section 21(1)(a) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)*

"**development setback**" means a setback line as defined or adopted by the competent authority and where none has been defined or adopted it will be assumed that no setback line applies;

"**Environmental Impact Assessment Regulations**" means the regulations made under section 24(5) of the Act;

"**estuary**" means the estuarine functional zone as defined in the National Estuaries Layer, available from the South African National Biodiversity Institute's BG1S website (<http://bgis.sanbi.org>);

"**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, 2006, which can be obtained from the Gauteng Department of Agriculture and Rural Development;

"**Gauteng Conservation Plan**" means the Gauteng Conservation Plan (C- Plan) which can be obtained from the Gauteng Department of Agriculture and Rural Development;

"**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 bulk storage, manufacturing, processing or packaging purposes;

"**National Protected Area Expansion Strategy (NPAES)**" means South Africa's national strategy for expansion of the protected area network, led by the Department of 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 through interconnected internal vehicular or pedestrian circulation, sharing of infrastructure, or the continuum of design, style or concept by the same proponent or his or her successors;

"**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);

"**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; and

**"watercourse"** means -

- (a) a river or spring;
- (b) a natural channel or depression in which water flows regularly or intermittently;
- (c) a wetland, 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).

**"watercourse"** means -

- (a) a river or spring;
- (b) a natural channel or depression in which water flows regularly or intermittently;
- (c) a wetland, 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;

*(Definition of "watercourse" substituted by section 21(1)(b) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)*

**"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.

*(Definition of "wetland" inserted by section 21(1)(c) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)*

3. (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 21 to 25 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act.

#### **4. Short title and commencement**

This Listing Notice is called the Environmental Impact Assessment Regulations Listing Notice 3 of 2010, and takes effect on a date determined by the Minister by notice in the *Gazette*.

## APPENDIX 1

| <b>Identification of competent authority</b>   |  |   |
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| <p>The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken, unless it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with the power to act under delegated authority in terms of section 42(1) of the Act.</p> <p style="text-align: center;"><i>("Identification of competent authority" substituted by section 20(e) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> |  |   |
| <b>Activity number</b>   | <b>Activity description</b>  | <b>Geographical areas based in environmental attributes</b>   |
| 1.   | The construction of billboards exceeding 18 square metres in size outside urban or mining areas or outside industrial complexes. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>ii. World Heritage Sites;</li> <li>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;</li> <li>v. Sites or areas identified in terms of an International Convention;</li> <li>vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>vii. Core areas in biosphere reserves;</li> <li>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;</li> <li>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;</li> <li>x. In an estuary.</li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>iii. Sensitive areas as identified in an environmental</li> </ul> |

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|    |   | <p>management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <ul style="list-style-type: none"> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important sites in the Gauteng Conservation Plan.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Any protected area identified in terms of NEMPAA including municipal or provincial nature reserves but excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>iii. World Heritage Sites;</li> <li>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;</li> <li>v. Sites or areas identified in terms of an International Convention;</li> <li>vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>vii. Core areas in biosphere reserves;</li> <li>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 biosphere reserve;</li> <li>ix. Any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other relevant legislation;</li> <li>x. Areas designated for conservation use in adopted Spatial Development Frameworks, or zoned for a conservation purpose, within urban areas.</li> </ul> <p><b>(d) in Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. All areas: <ul style="list-style-type: none"> <li>(aa) Outside urban areas;</li> <li>(bb) In an estuary;</li> <li>(cc) In a protected area identified in terms of NEMPAA, excluding conservancies.</li> </ul> </li> </ul> |
| 2. | The construction of reservoirs for bulk water supply with a | <b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b>   |

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| <p>capacity of more than 250 cubic metres.</p> |  | <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. In a protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>iii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(cc) Sites or areas identified in terms of an International Convention;</li> <li>(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ee) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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,</li> </ul> </li> <li>iv. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose;</li> <li>(cc) Areas seawards of the development setback line or within urban protected areas.</li> </ul> </li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important sites in the Gauteng Conservation Plan;</li> <li>vi. Areas larger than 2 hectares zoned for use as public open space;</li> <li>vii. Areas zoned for a conservation purpose.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(cc) Sites or areas identified in terms of an International Convention;</li> <li>(dd) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ee) Core areas in biosphere reserves;</li> <li>(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;</li> </ul> </li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</li> </ul> </li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. A protected area identified in terms of NEMPAA,</li> </ul> |
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|    |  | <p>excluding conservancies;</p> <p>iii. All areas outside urban areas;</p> <p>iv. In urban areas:</p> <p>(aa) Areas zoned for use as public open space; and</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</p>  |
| 3. | <p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</p> <p>(a) is to be placed on a site not previously used for this purpose, and</p> <p>(b) will exceed 15 metres in height,</p> <p>but excluding attachments to existing buildings and masts on rooftops.</p> | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <p>i. In an estuary;</p> <p>ii. Outside urban areas,</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</p> <p>(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.</p> <p>iii. Inside urban areas; in:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> |

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|  |  | <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important sites in the Gauteng Conservation Plan;</li> <li>vi. Areas larger than 2 hectares zoned for use as public open space;</li> <li>vii. Areas zoned for a conservation purpose.</li> </ul> <p><b>(c) In North West :</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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 biosphere reserve.</li> </ul> </li> <li>ii. In urban areas, the following: <ul style="list-style-type: none"> <li>(aa) Areas designated for conservation use in adopted Spatial Development Frameworks, or zoned for a</li> </ul> </li> </ul> |
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|    |  | <p>conservation purpose.</p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. Areas inside urban areas but outside commercial and industrial areas.</p>   |
| 4. | The construction of a road wider than 4 metres with a reserve less than 13.5 metres. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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</p> |

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|  |  | <p>determined.</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) seawards of the development setback line or within urban protected areas.</p> <p><b>(b) in Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> <p>iv. Sites identified in terms of the Ramsar Convention;</p> <p>v. Sites identified as irreplaceable or important in the Gauteng Conservation plan;</p> <p>vi. Areas larger than 2 hectares zoned for use as public open space;</p> <p>vii. Areas zoned for a conservation purpose.</p> <p>viii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</p> <p>ix. Any site identified as land with high agricultural potential</p> |
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|  |  | <p>located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the Gauteng Agricultural Potential Atlas, 2006.</p> <p><b>(c) In North West:</b></p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas(Terrestrial Type 1 and 2 and Aquatic Type1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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 a biosphere reserve.</p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> |
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|    |   | <p>(cc) Natural heritage sites.</p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space within urban areas;</p> <p>and</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</p>  |
| 5. | The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people. | <p>(a) A protected area identified in terms of the NEMPAA.</p> <p>(b) In an estuary.</p> <p>(c) <b>Outside urban areas</b> 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.</p> <p><i>(Activity 5(c) amended by section 21(1)(d) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> <p><b>(d) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <p><i>(Numbering as per original Government Gazette)</i></p> <p>i. Outside urban areas, in:</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(bb) Areas seawards of the development setback line or</p> |

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|  |  | <p>within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</p> <p>(cc) Areas within 100 metres of a watercourse or wetland.</p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p><b>(e) In Gauteng:</b></p> <p>i. Sites that have been identified as irreplaceable or important in the Gauteng Conservation Plan;</p> <p>ii. Any sites located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the applicable Gauteng Agricultural Potential Atlas;</p> <p>iii. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>iv. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983).</p> <p><b>(f) In North West:</b></p> <p>i. Any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other relevant legislation;</p> <p>ii. Natural Heritage sites;</p> |
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|    |  | <ul style="list-style-type: none"> <li>iii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) Critical biodiversity areas (Terrestrial Type 1 and Aquatic Type1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(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,</li> </ul> </li> <li>iv. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> </ul> <p><b>(g) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>iii. 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;</li> <li>iv. 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.</li> </ul> <p><i>(Numbers of Activity 5(e), (f), (g) and (h) renumbered to 5(d), (e), (f) and (g) by section 21(1)(e) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> |
| 6. | The construction of resorts, lodges or other tourism | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p>   |



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| <p>accommodation facilities that sleep 15 people or more.</p> | <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an international Convention;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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;</li> <li>(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.</li> </ul> </li> <li>iii. In urban areas, the following: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial</li> </ul> </li> </ul> |
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|  |  | <p>Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p>(b) In Gauteng:</p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Within 100 metres of from the edge of a watercourse;</li> <li>vii. Any sites located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the applicable Gauteng Agricultural Potential Atlas.</li> </ul> <p>(c) In North West:</p> <ul style="list-style-type: none"> <li>i. Any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other relevant legislation;</li> <li>ii. Natural Heritage sites;</li> <li>iii. Outside urban areas, in:</li> </ul> <p>(aa) Critical biodiversity areas (Terrestrial Type 1 and Aquatic Type1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(bb) Areas on the watercourse side of the development</p> |
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|    |  | <p>setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p> <p>iv. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p>(d) In Western Cape:</p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p> <p>(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;</p> <p>(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.</p> |
| 7. | The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more. | <p>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</p> <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p>   |

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|  |  | <ul style="list-style-type: none"> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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 areas of a biosphere reserve;</li> <li>(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;</li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> <li>(b) In Gauteng: <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International</li> </ul> </li> </ul> |
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|  |  | <p>Convention;</p> <p>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</p> <p>vi. Within 100 metres of a watercourse;</p> <p>vii. Any sites located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the applicable Gauteng Agricultural Potential Atlas;</p> <p>viii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983).</p> <p>(c) in North West:</p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding Conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(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;</p> <p>(ee) Sites or areas identified in terms of an International Convention;</p> <p>(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves;</p> <p>(hh) Areas within 10 kilometres from national parks or world</p> |
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|    |   | <p>heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p>(d) In Western Cape:</p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p> <p>(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;</p> <p>(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.</p> |
| 8. | <p>The construction of aircraft landing strips and runways <del>4-4 kilometres and shorter</del> <b>shorter than 1.4 kilometres.</b></p> <p><i>(Activity 8 amended by section 21(1)(f) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p>  |

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|  |  | <ul style="list-style-type: none"> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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.</li> <li>(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.</li> </ul> <p>iii. in urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA,</li> </ul> |
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|  |  | <p>excluding conservancies;</p> <ul style="list-style-type: none"> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Within 100 metres of a watercourse;</li> <li>vii. Areas larger than 2 hectares zoned for use as public open space;</li> <li>viii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983).</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> </ul> </li> </ul> |
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|    |  | <ul style="list-style-type: none"> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas (Terrestrial Type 1 and Aquatic Type</li> <li>(ff) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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 areas of a biosphere reserve;</li> <li>(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.</li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. All areas outside urban areas;</li> <li>ii. In an estuary;</li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> </ul> |
| 9. | The construction of above ground cableways and funiculars. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Areas outside urban areas;</li> </ul>   |

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|  |  | <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(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.</p> <p>(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.</p> <p><i>(Activity 9 amended by section 21(1)(g) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> <p><b>(b) In Gauteng</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. Sites identified as irreplaceable or important in the Gauteng Conservation plan;</p> <p>iii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</p> <p><b>(c) In North West:</b></p> <p>i. All areas outside urban areas;</p> |
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|     |  | <ul style="list-style-type: none"> <li>ii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>(cc) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(dd) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ee) 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;</li> <li>(ff) Natural heritage sites.</li> </ul> </li> </ul> |
| 10. | The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres. | <ul style="list-style-type: none"> <li><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> </ul> </li> </ul> </li> </ul>  |

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|  |  | <ul style="list-style-type: none"> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(jj) Within 500 metres of an estuary.</li> </ul> <p>iii. In urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>(cc) Within 500 metres of an estuary.</li> </ul> <p>(b) <i>(no wording as per Government Gazette)</i></p> <p><b>(c) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Within 100 metres of a watercourse or within 100 metres of wetland that is not linked to a watercourse;</li> <li>vii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Nature Conservation Ordinance (Ordinance 12 of 1983) and the NEMPAA.</li> </ul> <p><b>(d) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Terrestrial Type 1 and 2 and Aquatic Type 1) as identified in systematic biodiversity plans adopted by the competent</li> </ul> </li> </ul> |
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|  |  | <p>authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(hh) Between the water's edge and the development setback line of a watercourse or within 100 metres from the water's edge, where no such setback line has been determined.</p> <p>ii. In urban areas, the following:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(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.</p> <p><b>(e) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. Inside urban areas:</p> <p>(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;</p> <p>(bb) Areas on the watercourse side of the development</p> |
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|     |   | setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.   |
| 11. | The construction of tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles. | <p><b>(a) In Eastern Cape, KwaZulu-Natal, Northern Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>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;</li> <li>iii. Within areas of indigenous vegetation outside urban areas.</li> </ul> <p><b>(b) In Free State, Limpopo and Mpumalanga provinces:</b></p> <ul style="list-style-type: none"> <li>iv. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding Conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> </ul> </li> </ul> |

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|  |  | <p>v. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p><b>(c) in Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> <p>iv. Sites or areas identified in terms of an International Convention;</p> <p>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</p> <p>vi. Within 100 metres of a watercourse or within 100 metres of wetland that is not linked to a watercourse;</p> <p>vii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</p> <p>viii. Areas larger than two hectares or more zoned for use as public open space;</p> <p>ix. Areas zoned for a conservation purpose.</p> <p><b>(d) In North West:</b></p> |
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|  |  | <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> </ul> </li> <li>ii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>(cc) Natural heritage sites.</li> </ul> </li> </ul> <p><b>(e) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> </ul> |
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|     |   | <ul style="list-style-type: none"> <li>ii. 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;</li> <li>iii. Areas of indigenous vegetation outside urban areas.</li> <li>iv. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> </ul>   |
| 12. | The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.  | <ul style="list-style-type: none"> <li>(a) 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;</li> <li>(b) Within critical biodiversity areas identified in bioregional plans;</li> <li>(c) 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.</li> </ul> |
| 13. | <p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) the undertaking of a process or activity included in the list of waste management activities published in</p> | <ul style="list-style-type: none"> <li>(a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</li> <li>(b) National Protected Area Expansion Strategy Focus areas.</li> <li>(c) <b>In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</b> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, the following:</li> </ul> </li> </ul>  |

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|  | <p>terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p> <p>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p> | <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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.</p> <p>iii. In urban areas, the following:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Areas seawards of the development setback line;</p> <p>(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.</p> |
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|  |  | <p><b>(d) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>iii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Nature Conservation Ordinance (Ordinance 12 of 1983); (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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan.</li> </ul> <p><b>(e) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) and ecological support areas as identified in systematic</li> </ul> </li> </ul> |
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|     |   | <p>biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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.</p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Natural heritage sites.</p> |
| 14. | <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes.</p> <p>(2) the understanding of the process or activity included in the list of waste management activities published in</p> | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:</b></p> <p>i. All areas outside urban areas.</p>  |

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|     | <p>terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;</p> <p>(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</p>   |   |
| 15. | The construction of facilities, infrastructure or structures of any size for any form of aquaculture.   | <p>(a) In an estuary;</p> <p>(b) In a Protected Area identified in the NEMPAA;</p> <p>(c) 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.</p>   |
| 16. | <p>The construction of:</p> <p>(i) jetties exceeding 10 square metres in size;</p> <p>(ii) slipways exceeding 10 square metres in size;</p> <p>(iii) buildings with a footprint exceeding 10 square metres in size; or</p> <p>(iv) infrastructure covering 10 square metres or more</p> <p>where such construction occurs within a watercourse of within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape:</b></p> <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(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;</p> <p>(ee) Sites or areas identified in terms of an International Convention;</p> |

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|  |  | <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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.</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or</p> <p>(cc) Areas seawards of the development setback line.</p> <p><b>(b) In Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> <p>iv. Sites or areas identified in terms of an International Convention;</p> |
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|  |  | <ul style="list-style-type: none"> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</li> <li>vii. Areas zoned for a conservation purpose.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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 areas of a biosphere reserve,</li> </ul> </li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>ii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li><del>i. All watercourses;</del></li> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other</li> </ul> </li> </ul> |
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|     |   | <p>protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p> <p>(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.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line.</p> <p><i>(Activity 16 amended and renumbered by section 21(1)(h) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> |
| 17. | The expansion of reservoirs for bulk water supply where the capacity will be increased by more than 250 cubic metres. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(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;</p>   |

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|  |  | <ul style="list-style-type: none"> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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.</li> </ul> <p>ii. Inside urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose;</li> <li>(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.</li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>iii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of</li> </ul> |
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|  |  | <p>the Act and as adopted by the competent authority;</p> <ul style="list-style-type: none"> <li>iv. Sites or areas identified in terms of an international Convention;</li> <li>v. Sites identified as irreplaceable or important sites in the Gauteng Conservation Plan;</li> <li>vi. Areas larger than 2 hectares zoned for use as public open space;</li> <li>vii. Areas zoned for a conservation purpose.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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.</li> </ul> </li> </ul> |
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|     |   | <ul style="list-style-type: none"> <li>ii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</li> </ul> </li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. All areas outside urban areas;</li> <li>iii. Areas inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space; and</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, including residential areas.</li> </ul> </li> </ul> |
| 18. | The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International</li> </ul> </li> </ul>  |

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|  |  | <p>Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation;</p> <p>(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.</p> <p><b>(b) In Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> |
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|  |  | <ul style="list-style-type: none"> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Within 100 metres of a watercourse;</li> <li>vii. Any sites located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the applicable Gauteng Agricultural Potential Atlas.</li> </ul> <p><b>(c) In North West;</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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;</li> </ul> </li> </ul> |
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|     |  | <ul style="list-style-type: none"> <li>(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,</li> </ul> <ul style="list-style-type: none"> <li>ii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> </li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Critical biodiversity Areas as adopted by the competent authority;</li> <li>iii. 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;</li> <li>iv. 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.</li> </ul> |
| 19. | The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> </ul> </li> </ul>  |



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|  |  | <ul style="list-style-type: none"> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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;</li> <li>(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.</li> </ul> <p>iii. Inside urban areas;</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA,</li> </ul> |
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|  |  | <p>excluding conservancies;</p> <ul style="list-style-type: none"> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Any site identified as land with high agricultural potential located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the Gauteng Agricultural Potential Atlas, 2006;</li> <li>vi. All sites identified as irreplaceable or important in terms of the applicable Gauteng Conservation Plan;</li> <li>vii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Nature Conservation Ordinance (Ordinance 12 of 1983) and the NEMPAA.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> </ul> </li> </ul> |
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|     |  | <ul style="list-style-type: none"> <li>(ee) Critical biodiversity areas (Terrestrial Type 1 and 2 and Aquatic Type 1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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.</li> </ul> <p>ii. In urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>(cc) Natural heritage sites.</li> </ul> <p><b>(d) In Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. All areas outside urban areas;</li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space within urban areas;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.</li> </ul> </li> </ul> |
| 20. | The expansion of runways or aircraft landing strips where the expanded runway or | <b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b>   |

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| <p>aircraft landing strips will be longer than 1,4 kilometres in length.</p> | <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> |
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|  |  | <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by The competent authority or zoned for a conservation purpose.</p> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>vi. Within 100 metres of a watercourse;</li> <li>vii. Areas larger than 2 hectares zoned for use as public open space;</li> <li>viii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983).</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus</li> </ul> </li> </ul> |
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|     |   | <p>areas;</p> <p>(cc) World Heritage Sites;</p> <p>(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;</p> <p>(ee) Sites or areas identified in terms of an International Convention;</p> <p>(ff) Critical biodiversity areas (Terrestrial Type 1 and Aquatic Type 1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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.</p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas.</p> |
| 21. | The expansion of above ground cableways and funiculars where the development footprint will be increased. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p>  |

- (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.

*(Activity 21 amended by section 21(1)(i) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)*

**(b) In Gauteng:**

- i. A protected area identified in terms of NEMPAA, excluding conservancies;
- ii. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;
- iii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983).

**(a) in North West:**

*(Numbering as per original Gazette)*

- i. Outside urban areas, in:
  - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

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|     |  | <ul style="list-style-type: none"> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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.</li> </ul> <p>ii. Inside urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</li> </ul> |
| 22. | The expansion of tracks or routes for the testing, recreational use or outdoor racing 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. | <p><b>(b) In Free State, Limpopo and Mpumalanga provinces:</b><br/><i>(Numbering as per original Gazette)</i></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus</li> </ul> </li> </ul>   |



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|  |  | <p>areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(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.</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p><b>(c) In Eastern Cape, KwaZulu-Natal, Northern Cape and Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. Within areas seaward of the development setback line or within 1 kilometre of the high-water mark if no setback</p> |
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|  |  | <p>line is determined;</p> <p>iii. Within areas of indigenous vegetation outside and inside urban areas.</p> <p><b>(d) In Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> <p>iv. Sites or areas identified in terms of an International Convention;</p> <p>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</p> <p>vi. Within 100 metres of a watercourse or within 100 metres of a wetland that is not linked to a watercourse;</p> <p>vii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</p> <p>viii. Areas larger than two hectares zoned for use as public open space;</p> <p>ix. Areas zoned for a conservation purpose.</p> <p><b>(e) In North West:</b></p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> |
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|     |  | <ul style="list-style-type: none"> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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.</li> </ul> <p>ii. In urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>(cc) Natural heritage sites.</li> </ul> |
| 23. | The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres. | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> </ul> </li> </ul>   |

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|  |  | <ul style="list-style-type: none"> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(jj) Within 500 metres of an estuary.</li> </ul> <p>iii. In urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation</li> </ul> |
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|  |  | <p>purpose;</p> <p>(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;</p> <p>(dd) Within 500 metres of an estuary.</p> <p><b>(b) in Gauteng:</b></p> <p>i. a protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. National Protected Area Expansion Strategy Focus areas;</p> <p>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;</p> <p>iv. Sites or areas identified in terms of an International Convention;</p> <p>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</p> <p>vi. Within 100 metres of a watercourse or within 100 metres of wetland that is not linked to a watercourse;</p> <p>vii. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 {Act No. 73 of 1989), the Nature Conservation Ordinance (Ordinance 12 of 1983) and the NEMPAA;</p> <p>viii. Areas larger than two hectares zoned for use as public open space;</p> <p>ix. Areas zoned for a conservation purpose.</p> <p><b>(c) In North West:</b></p> |
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|  |  | <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas (Terrestrial Type 1 and 2 and Aquatic Type 1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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;</p> <p>(hh) 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.</p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> |
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|     |   | <p>(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.</p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. Areas inside urban areas, the following:</p> <p>(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;</p> <p>(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.</p> |
| 24. | <p>The expansion of</p> <p>(a) jetties where the jetty will be expanded by 10 square metres in size or more;</p> <p>(b) slipways where the slipway will be expanded by 10 square metres or more;</p> <p>(c) buildings where the buildings will be expanded by 10 square metres or more in size; or</p> <p>(d) infrastructure where the infrastructure will be expanded by 10 square metres or more</p> <p>where such construction</p> | <p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape:</b></p> <p>i. In an estuary;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p>   |

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|  | <p>occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> | <ul style="list-style-type: none"> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(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.</li> </ul> <p>iii. Inside urban areas:</p> <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by or the competent authority or zoned for a conservation purpose.</li> </ul> <p><b>(b) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. National Protected Area Expansion Strategy Focus areas;</li> <li>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;</li> <li>iv. Sites or areas identified in terms of an International Convention;</li> <li>v. Sites identified as irreplaceable or important in the Gauteng Conservation Plan;</li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>vi. Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983);</li> <li>vii. Areas zoned for a conservation purpose.</li> </ul> <p><b>(c) In North West:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(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;</li> <li>(ee) Sites or areas identified in terms of an International Convention;</li> <li>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves;</li> <li>(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 biosphere reserve.</li> </ul> </li> <li>ii. Inside urban areas:</li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space;</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</li> </ul> <p><b>(d) In Western Cape</b></p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li><del>ii. All watercourses;</del></li> <li>ii. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(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;</li> <li>(dd) Sites or areas identified in terms of an International Convention;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(ff) Core areas in biosphere reserves;</li> <li>(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;</li> <li>(hh) Areas seawards of the development setback line or</li> </ul> </li> </ul> |
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|     |  | <p>within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p><i>(Activity 24 amended and renumbered by section 21(1)(j) of Government Notice R1159, Gazette No. 33842 dated 10 December 2010 – deemed to have taken effect on 2 August 2010)</i></p> |
| 25. | The expansion of facilities, infrastructure or structures of any size for any form of aquaculture.   | <p>(a) In an estuary;</p> <p>(b) In a Protected Area identified in the NEMPAA;</p> <p>(c) 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.</p>   |
| 26. | Phased activities for all activities listed in this Schedule and as it applies to a specific geographical area, which commenced on or after the effective date of this Schedule, where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specific threshold. | All the areas as identified for the specific activities listed in this schedule.  |