

**No. R. 546**

**18 June 2010**

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF  
1998)**

**LISTING NOTICE 3: LIST OF ACTIVITIES AND COMPETENT AUTHORITIES  
IDENTIFIED IN TERMS OF SECTIONS 24(2) AND 24D**

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.



**BUYELWA SONJICA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

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## SCHEDULE

### PURPOSE

1. 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.

### DEFINITIONS

2. 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;

**"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 BGIS 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).

- 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.

#### **Short title and commencement**

4. 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

Activity number	Activity description	Geographical areas based on environmental attributes	Identification of competent authority
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>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 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>	The competent authority in respect of the activities listed in this part of the schedule is the environmental authority in the province in which the activity is to be undertaken unless it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1)(d) of the Act, as amended.

		<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> </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</li> </ul>	

		<p>as contemplated by NEMPAA or other relevant legislation;</p> <p>x. Areas designated for conservation use in adopted Spatial Development Frameworks, or zoned for a conservation purpose, within urban areas.</p>	
2	<p>The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.</p>	<p><b>(d) In Western Cape:</b></p> <p>i. All areas:</p> <p>(aa) Outside urban areas;</p> <p>(bb) In an estuary;</p> <p>(cc) In a protected area identified in terms of NEMPAA, excluding conservancies.</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. In a protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>iii. Outside urban areas, in:</p> <p>(aa) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(cc) Sites or areas identified in terms of an International Convention;</p> <p>(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	



		<ul style="list-style-type: none"> <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> <p>iv. 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) Areas seawards of the development setback line or within urban protected areas.</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 sites in the Gauteng Conservation Plan;</li> </ul>	

		<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><b>(c) In North West :</b></p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) National Protected Area Expansion Strategy Focus areas;</p> <p>(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;</p> <p>(cc) Sites or areas identified in terms of an International Convention;</p> <p>(dd) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</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>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>	
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		<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, excluding conservancies;</li> <li>iii. All areas 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; and</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>	
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> <ul style="list-style-type: none"> <li>(a) is to be placed on a site not previously used for this purpose, and</li> <li>(b) will exceed 15 metres in height,</li> </ul>	<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, <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> </ul> </li> </ul>	

	<p>but excluding attachments to existing buildings and masts on rooftops.</p>	<ul style="list-style-type: none"> <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> </ul> <p>iii. Inside urban areas; in:</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, 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 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 but outside commercial and industrial</li></ul>	

		<p>areas.</p>	
<p>4</p>	<p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p>	<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 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 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> </ul> </li> <li>iii. In urban areas:</li> </ul>	

		<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 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> <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 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 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>(d) 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. 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; and</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>	
5	The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.	(a) A protected area identified in terms of the NEMPAA.	
		(b) In an estuary.	
		(c) 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><b>(e) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas, in: <ul style="list-style-type: none"> <li>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</li> <li>(cc) Areas within 100 metres of a watercourse or wetland.</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> </ul> </li> </ul>	

		<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>(f) In Gauteng:</b></p> <ul style="list-style-type: none"> <li>i. Sites that have been identified as irreplaceable or important in the Gauteng Conservation Plan;</li> <li>ii. Any sites located within the Agricultural Hubs or Important Agricultural Sites identified in terms of the applicable Gauteng Agricultural Potential Atlas;</li> <li>iii. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>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).</li> </ul>	
		<p><b>(g) In North West :</b></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: <ul style="list-style-type: none"> <li>(aa) 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;</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</li> </ul> </li> </ul>	

		<p>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><b>(h) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>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;</p> <p>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.</p>	
6	<p>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</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) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as</p>	

		<p>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>(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. 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><b>(b) In Gauteng:</b></p> <p>i. A protected area identified in terms of NEMPAA, 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 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><b>(c) In North West :</b></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: <ul style="list-style-type: none"> <li>(aa) 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;</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</li> </ul> </li> </ul>	

		<p>Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <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 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>(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> </ul>	
7	<p>The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.</p>	<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) 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> </ul> </li> </ul>	

		<ul style="list-style-type: none"> <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> </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</li> </ul>	

		<p>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><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) 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>	



		<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><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 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	The construction of aircraft landing strips and runways shorter than 1,4 kilometres.	<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</p>	

		<p>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 heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core 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>(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.</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</p>	
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		<p>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 areas;</li> <li>(cc) World Heritage Sites;</li> <li>(dd) Sensitive areas as identified in an environmental management</li> </ul> </li> </ul>	

		<p>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 areas 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. All areas outside urban areas;</p> <p>ii. In an estuary;</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>	
9	The construction of above ground	<p><b>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</b></p>	

cableways and funiculars;	<ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. 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;</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 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> </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. Sites identified as irreplaceable or important in the Gauteng Conservation plan;</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) 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. All areas outside urban areas;</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</li> </ul> </li> </ul>	

		<p>a conservation purpose;</p> <p>(cc) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(dd) Critical biodiversity areas (Type 1 only) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(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;</p> <p>(ff) Natural heritage sites.</p>	
10	<p>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.</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) 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</p>	