

No. R. 985

4 December 2014

**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, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby repeal Listing Notice 3 of 2010, published under Notice No. 546 in Gazette No. 33306 dated 18 June 2010, and publish Listing Notice 3 of 2014 under sections 24(2), 24(5), 24D and 44, read with section 47A (1) (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

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 Act, where environmental authorisation is required prior to commencement of that activity in specific identified geographical areas only.

DEFINITIONS

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

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

“bioregional plan” means the bioregional plan contemplated in Chapter 3 of the National Environment Management Biodiversity Act, 2004 (Act No. 10 of 2004);

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

“dangerous goods” means goods containing any of the substances as contemplated in South African National Standard No. 10234, supplement 2008 1.00: designated “List of classification and labelling of chemicals in

accordance with the Globally Harmonized Systems (GHS)” published by Standards South Africa, and where the presence of such goods, regardless of quantity, in a blend or mixture, causes such blend or mixture to have one or more of the characteristics listed in the Hazard Statements in section 4.2.3, namely physical hazards, health hazards or environmental hazards;

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

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

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

“estuarine functional zone” means the area in and around an estuary which includes the open water area, estuarine habitat (*such as sand and mudflats, rock and plant communities*) and the surrounding floodplain area, as defined by the area below the 5 m topographical contour (*referenced from the indicative mean sea level*);

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

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

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

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

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

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

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

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

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

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

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

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

“phased activities” means an activity that is developed in phases over time on the same or adjacent properties to create a single or linked entity;

“previous NEMA notices” as contemplated in these transitional arrangements means the previous notices published in terms of section 24(2) of NEMA (Government Notices R. 386 and R. 387 in the Government Gazette of 21 April 2006, as amended, or Government Notice No. R. 544, 545 and 546 in the Government Gazette of 18 June 2010, as amended);

“protected area” means those protected areas contemplated in section 9 of the NEMPAA and the core area of a biosphere reserve and shall include their buffers;

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

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

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

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

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

“watercourse” means –

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, pan, lake or dam into which, or from which, water flows; and

(d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and

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

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

- (2) The following words relevant to coastal activities will have the meaning so assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008):
- a) “estuary”;
 - b) “high-water mark”;
 - c) “littoral active zone”;
 - d) “sea”; and
 - e) “seashore”.
- (3) The following words will have the meaning assigned to them in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002):
- a) “mineral”;
 - b) “petroleum”; and
 - c) “prospecting”.
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 19 and 20 of the Environmental Impact Assessment Regulations published in terms of section 24(5) of the Act.
- (3) Where Listing Notice 4 applies, an application for environmental authorisation must be submitted for an activity contemplated in that Notice and not for an activity contemplated in this Notice.

REPEAL OF NOTICE 546 OF 18 June 2010

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

SHORT TITLE

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

APPENDIX 1

Activity number	Activity description	Geographical areas based on environmental attributes	Identification of competent authority
1.	The development of billboards exceeding 18 square metres in size outside urban areas, mining areas or industrial complexes.	<p>(a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces:</p> <ul style="list-style-type: none"> i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus areas; iii. World Heritage Sites; iv. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; v. Sites or areas identified in terms of an International Convention; vi. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; vii. Core areas in biosphere reserves; viii. Areas within 10 kilometres from national parks or world 	<p>The competent authority in respect of the activities listed in this part of the Notice is the competent authority in the province in which the activity is to be undertaken, unless—</p> <p>(a) it is an application for an activity contemplated in section 24C(2) of the Act, in which case the competent authority is the Minister or an organ of state with delegated powers in terms of section 42(1)</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>ix. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>x. In an estuary.</p>	<p>of the Act;</p> <p>(b) the listed or specified activity is or is directly related to—</p> <p>i. prospecting or exploration of a mineral or petroleum resource; or</p> <p>ii. extraction and primary processing of a mineral or petroleum resource;</p> <p>in which case the competent authority is the Minister responsible for mineral resources.</p>
		<p>(b) In Eastern Cape</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. World Heritage Sites;</p> <p>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;</p> <p>v. Sites or areas identified in terms of an International Convention;</p> <p>vi. 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"> vii. Core areas in biosphere reserves; viii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; ix. Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or x. In an estuarine functional zone. 	<p>The exception mentioned in (b) above does not apply to the following activities contained in this Notice:</p> <ul style="list-style-type: none"> 5; 6; 9; 11; 13; 17; 21; 24; 25; and 26.
		<p>(c) In Gauteng:</p> <ul style="list-style-type: none"> i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. National Protected Area Expansion Strategy Focus Areas; iii. Gauteng Protected Area Expansion Priority Areas; iv. Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004); vi. Important Bird and Biodiversity Areas (IBA); vii. Sensitive areas identified in an environmental 	

		<p>management framework adopted by relevant environmental authority;</p> <p>viii. Sites or areas identified in terms of an International Convention</p> <p>ix. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the National Environmental Management: Protected Areas Act (Act No. 57 of 2003);</p> <p>x. Sites designated as nature reserves within municipal SDFs; or</p> <p>xi. Sites zoned for conservation or public open space or equivalent zoning;</p>	
		<p>(d) In KwaZulu-Natal:</p> <p>i. Trans-frontier protected areas managed under international conventions;</p> <p>ii. Community Conservation Areas;</p> <p>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</p> <p>iv. A protected area identified in terms of NEMPAA, excluding conservancies;</p>	

		<ul style="list-style-type: none">v. World Heritage Sites;vi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;vii. Sites or areas identified in terms of an International Convention;viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;ix. Core areas in biosphere reserves;x. In an estuarine functional zone;xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose;xii. Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; orxiii. 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.	
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		<p>(e) In North West:</p> <ul style="list-style-type: none">i. National Protected Area Expansion Strategy Focus areas;ii. World Heritage Sites;iii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;iv. Sites or areas identified in terms of an International Convention;v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;vi. Core areas in biosphere reserves;vii. 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 a biosphere reserve, excluding areas where no indigenous vegetation will be cleared;viii. Any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other relevant	
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		<p>legislation; or</p> <p>ix. Areas designated for conservation use in adopted Spatial Development Frameworks, or zoned for a conservation purpose, within urban areas.</p>	
		<p>(f) In Western Cape:</p> <p>i. All areas outside urban areas, mining areas or industrial complexes.</p>	
2.	The development of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.	<p>(a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces:</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> <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; or</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; or</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; or</p> <p>(cc) Areas seawards of the development setback line or within urban protected areas.</p> <p>(b) In Eastern Cape:</p>	
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		<ul style="list-style-type: none">i. In an estuarine functional zone;ii. In a protected area identified in terms of NEMPAA, excluding conservancies;iii. Outside urban areas, in:<ul style="list-style-type: none">(aa) National Protected Area Expansion Strategy Focus areas;(bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(cc) Sites or areas identified in terms of an International Convention;(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(ee) Core areas in biosphere reserves;(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or(gg) Areas seawards of the development setback line	
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		<p>or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</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; or</p> <p>(cc) Areas seawards of the development setback line or within urban protected areas.</p>	
		<p>(c) Gauteng:</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. Gauteng Protected Area Expansion Priority Areas;</p> <p>iv. Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;</p> <p>v. Sites identified within threatened ecosystems listed in</p>	

		<p>terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004);</p> <ul style="list-style-type: none">vi. Sensitive areas identified in an environmental management framework adopted by relevant environmental authority;vii. Sites or areas identified in terms of an International Convention;viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the National Environmental Management: Protected Areas Act (Act No. 57 of 2003);ix. Sites designated as nature reserves within municipal SDFs; orx. Sites zoned for a conservation or public open space or equivalent zoning.	
		<p>(d) In KwaZulu-Natal:</p> <ul style="list-style-type: none">i. Trans-frontier protected areas managed under international conventions;ii. Community Conservation Areas;iii. Biodiversity Stewardship Programme Biodiversity	

		<p>Agreement areas;</p> <p>iv. World Heritage Sites;</p> <p>v. In an estuarine functional zone;</p> <p>vi. In a protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>vii. Sites or areas identified in terms of an International Convention;</p> <p>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>ix. Core areas in biosphere reserves;</p> <p>x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose;</p> <p>xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>xii. Outside urban areas:</p> <p>(aa) 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</p>	
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		<p>from the core area of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xiii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or</p> <p>(cc) Within urban protected areas.</p>	
		<p>(e) In North West:</p> <p>i. A protected area identified in terms of NEMPAA;</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</p>	

		<p>competent authority;</p> <p>(cc) Sites or areas identified in terms of an International Convention;</p> <p>(dd) Critical biodiversity areas (Type 1 and 2) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ee) Core areas in biosphere reserves; or</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; excluding areas where no indigenous vegetation will be cleared; or</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space; or</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>(f) In Western Cape:</p> <ul style="list-style-type: none"> i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. In urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose. 	
<p>3.</p>	<p>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower—</p> <ul style="list-style-type: none"> (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in 	<p>(a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces:</p> <ul style="list-style-type: none"> i. In an estuary; ii. Outside urban areas, <ul style="list-style-type: none"> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in 	

	<p>height—</p> <p>but excluding attachments to existing buildings and masts on rooftops.</p>	<p>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; or</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; or</p> <p>iii. Inside urban areas; in:</p> <p>(aa) Areas zoned for use as public open space; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation</p>	
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		purpose.	
		<p>(b) In Eastern Cape:</p> <ul style="list-style-type: none">i. In an estuarine functional zone;ii. Outside urban areas,<ul style="list-style-type: none">(aa) A protected area identified in terms of NEMPAA, excluding conservancies;(bb) National Protected Area Expansion Strategy Focus areas;(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(dd) Sites or areas identified in terms of an International Convention;(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(ff) Core areas in biosphere reserves;(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or	

		<p>from the core areas of a biosphere reserve; or</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; or</p> <p>iii. Inside urban areas; in:</p> <p>(aa) Areas zoned for use as public open space; or</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>(c) In Gauteng:</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. Gauteng Protected Area Expansion Priority Areas;</p> <p>iv. Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;</p> <p>v. Sites identified within threatened ecosystems listed in</p>	

		<p>terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004);</p> <ul style="list-style-type: none"> vi. Sensitive areas identified in an environmental management framework adopted by relevant environmental authority; vii. Sites or areas identified in terms of an International Convention; viii. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the National Environmental Management: Protected Areas Act (Act No. 57 of 2003); ix. Sites designated as nature reserves within municipal SDFs; x. Sites zoned for a conservation or public open space or equivalent zoning; or xi. Important Bird and Biodiversity Areas. 	
		<p>(d) In KwaZulu-Natal:</p> <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Trans-frontier protected areas managed under international conventions; 	

		<ul style="list-style-type: none">iii. Community Conservation Areas;iv. World Heritage Sites;v. Biodiversity Stewardship Programme Biodiversity Agreement areas;vi. A protected area identified in terms of NEMPAA, excluding conservancies;vii. Sites or areas identified in terms of an International Convention;viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;ix. Core areas in biosphere reserves;x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;xii. Outside urban areas:<ul style="list-style-type: none">(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other	
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		<p>protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xiii. In urban areas:</p> <p>(aa) Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined;</p> <p>(bb) Within urban protected areas;</p> <p>(cc) Areas zoned for use as public open space; or</p> <p>(dd) Areas within 1 kilometre from protected areas identified in terms of NEMPAA .</p>	
		<p>(e) In North West:</p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA,;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p>	

		<ul style="list-style-type: none">(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(dd) Sites or areas identified in terms of an International Convention;(ee) Critical biodiversity areas (Type 1 and 2) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(ff) Core areas in biosphere reserves; or(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or a biosphere reserve, excluding areas where no indigenous vegetation will be cleared; or <p>ii. In urban areas, the following:</p> <ul style="list-style-type: none">(aa) Areas designated for conservation use in adopted Spatial Development Frameworks, or zoned for a conservation purpose.	
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		<p>(f) In Western Cape:</p> <ul style="list-style-type: none">i. All areas outside urban areas; orii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.	
4.	The development of a road wider than 4 metres with a reserve less than 13,5 metres.	<p>(a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces:</p> <ul style="list-style-type: none">i. In an estuary;ii. Outside urban areas, in:<ul style="list-style-type: none">(aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;(bb) National Protected Area Expansion Strategy Focus areas;(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(dd) Sites or areas identified in terms of an International Convention;(ee) Critical biodiversity areas as identified in	

		<p>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, excluding disturbed areas; or</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; or</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; or</p> <p>(cc) Seawards of the development setback line or within urban protected areas.</p>	
		<p>(b) In Eastern Cape:</p>	

		<ul style="list-style-type: none">i. In an estuarine functional zone;ii. Outside urban areas, in:<ul style="list-style-type: none">(aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;(bb) National Protected Area Expansion Strategy Focus areas;(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;(dd) Sites or areas identified in terms of an International Convention;(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;(ff) Core areas in biosphere reserves;(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or	
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		<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; or</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; or</p> <p>(cc) Seawards of the development setback line or within urban protected areas.</p>	
		<p>(c) In Gauteng:</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. Gauteng Protected Area Expansion Priority Areas;</p> <p>iv. Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;</p> <p>v. Sites identified within threatened ecosystems listed in</p>	

		<p>terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004);</p> <ul style="list-style-type: none">vi. Sensitive areas identified in an environmental management framework adopted by relevant environmental authority;vii. Sites identified as high potential agricultural land in terms of Gauteng Agricultural Potential Atlas;viii. Important Bird and Biodiversity Area (IBA);ix. Sites or areas identified in terms of an International Convention;x. Sites managed as protected areas by provincial authorities, or declared as nature reserves in terms of the Nature Conservation Ordinance (Ordinance 12 of 1983) or the National Environmental Management: Protected Areas Act (Act No. 57 of 2003);xi. Sites designated as nature reserves within municipal SDFs; orxii. Sites zoned for a conservation or public open space or equivalent zoning.	
		<p>(d) In KwaZulu-Natal:</p> <ul style="list-style-type: none">i. In an estuarine functional zone;	

		<ul style="list-style-type: none">ii. Trans- frontier protected areas managed under international conventions;iii. Community Conservation Areas;iv. Biodiversity Stewardship Programme Biodiversity Agreement areas;v. World Heritage Sites;vi. A protected area identified in terms of NEMPAA;vii. Sites or areas identified in terms of an International Convention;viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;ix. Core areas in biosphere reserves;x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;xii. Outside urban areas:<ul style="list-style-type: none">(aa) Areas within 10 kilometres from national parks or	
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		<p>world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>xiii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined; or</p> <p>(cc) Within urban protected areas.</p>	
		<p>(e) In North West :</p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive areas as identified in an environmental</p>	

		<p>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) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves; or</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; or</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; or</p> <p>(cc) Natural heritage sites.</p>	
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		<p>(f) In Western Cape:</p> <ul style="list-style-type: none"> i. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or ii. In urban areas: <ul style="list-style-type: none"> (cc) Areas zoned for conservation use; or (dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	
<p>5.</p>	<p>The development of resorts, lodges, hotels and tourism or hospitality facilities that sleep less than 15 people.</p>	<ul style="list-style-type: none"> (a) A protected area identified in terms of the NEMPAA; (b) Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (c) In Free State, Limpopo, Mpumalanga and Northern Cape provinces: <ul style="list-style-type: none"> i. In an estuary; 	

		<p>ii. 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 within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>(cc) Areas within 100 metres of a watercourse or wetland; or</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space; or</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 Eastern Cape:</p> <p>i. In an estuarine functional zone;</p> <p>ii. Outside urban areas, in:</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the</p>	

		<p>competent authority or in bioregional plans;</p> <p>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p> <p>(cc) Areas within 100 metres of a watercourse or wetland; or</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space; or</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>(e) In Gauteng:</p> <p>i. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii. Gauteng Protected Area Expansion Priority Areas;</p> <p>iii. Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans;</p> <p>iv. Sensitive areas identified in an environmental</p>	

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