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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 2001

7 April 2022

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****ADOPTION OF THE GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME FOR DEVELOPMENT PROJECTS WITHIN THE ATLANTIS URBAN AREA AS AN ENVIRONMENTAL MANAGEMENT INSTRUMENT AND EXCLUSION OF ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (b) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION IF UNDERTAKEN WITHIN THE ATLANTIS URBAN AREA**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby, in terms of regulation 4(1) of the Regulations Laying Down the Procedures to be Followed for the Adoption of Spatial Tools or Environmental Management Instruments, 2019, adopt the Generic Environmental Management Programme for Development Projects within the Atlantis Urban Area (*version 1 of January 2022*), as an environmental management instrument and exclude in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) activities identified as set out in the Schedule hereto from the requirement to obtain environmental authorisation prior to commencement.

An application for environmental authorisation for any activity falling within the scope of this exclusion which is pending at the time of the publication of this Notice in the Government Gazette may be withdrawn prior to a decision being made on such application.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

1. Section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act) allows for the Minister to exclude activities identified in terms of section 24(2)(a) and (b) of the Act from the requirement to obtain environmental authorisation, based on compliance with an environmental management instrument adopted in the prescribed manner.
2. The City of Cape Town has prepared a Generic Environmental Management Programme for Development Projects Within the Atlantis Urban Area (version 1 of January 2022) (the Generic EMPr), to avoid, manage and mitigate environmental impacts associated with activities identified in terms of section 24(2)(a) and (b) of the Act when developed within the Atlantis Urban Area located within the City of Cape Town Metropolitan Municipality in the Western Cape Province.
3. The Generic EMPr has been developed based on the assessments undertaken through the Integrated Spatial Development Plan and the Environmental Management Framework prepared for the Blaauwberg District in 2012 and updated in 2021. The Generic EMPr has been reviewed and has been found to meet the requirements and principles contained in sections 2, 24(1) and 24N of the Act.
4. The Generic EMPr is therefore adopted as an environmental management instrument for the purposes of excluding, in terms of section 24(2)(e) of the Act, the identified activities indicated below from the requirement to obtain environmental authorisation prior to commencement when undertaken within the Atlantis Urban Area:
 - 4.1 Activity 11, 14, 27, 28, 31, 47, 51, and 64 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended;
 - 4.2 Activity 15 of the Environmental Impact Assessment Regulations Listing Notice 2 of 2014, as amended; and
 - 4.3 Activity 2, 4, 10, 12, 15, 16, 18 and 22 of the Environmental Impact Assessment Regulations Listing Notice 3 of 2014, as amended.
5. The exclusion of activities identified in paragraph 4 applies only where the entire development project is to be undertaken inside the Atlantis Urban Area, except where the activity and the associated activities relates to a linear activity/development, in which case 10% of that activity/development may fall outside of the Atlantis Urban Area.
6. In order for the activities identified in paragraph 4 to be excluded, at least 30 calendar days prior to the commencement of any such activity, the proponent must submit a request to register the development project with the competent authority by submitting to the competent authority the documentation identified in Part B of the Generic EMPr.
7. Failure to obtain a registration number prior to commencement of the development project identified in paragraph 6 and failure to comply with the impact management outcomes and actions set out for identified activities in Part C of the Generic EMPr, constitute an offence in terms of section 49A(1)(d) of the Act.
8. Where an application for environmental authorisation for an activity falling within the scope of this Notice is pending on the date of publication of this Notice, the application must be dispensed with in terms of the Environmental Impact Assessment Regulations, 2014, as amended or may be withdrawn prior to a decision being made on such an application.
9. An environmental authorisation issued prior to the coming into effect of this Notice for an activity falling within the scope of this Notice, remains valid.
10. The Integrated Spatial Development Plan and the Environmental Management Framework prepared for the Blaauwberg District in 2012 and the updates thereto can be accessed at <https://www.capetown.gov.za/Planning-portal/District Spatial Plans and Frameworks>.

11. The Government Gazette notice can be accessed at https://www.dffe.gov.za/legislation/gazetted_notices and Visit the Document Centre.
12. The Atlantis Generic EMPr can be accessed at https://www.dffe.gov.za/projectsprogrammes/environmental_management_instruments and Visit the Document Centre.
13. Hard copies of the documents can be requested from Ms A Mainganye at email: amainganye@dffe.gov.za or Ms M van Zyl at +27 21 487 2510; email magdalena.vanzyl@capetown.gov.za

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