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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1634/23 - 2009 දෙසැම්බර් 30 වැනි බදාදා - 2009.12.30

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B 4/81 (ii).

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

Order under Section 24C and Section 24D

BY virtue of the powers vested in me by Section 24C and Section 24D of the National Environmental Act, No. 47 of 1980, I, Patali Champika Ranawaka, Minister of Environmental and Natural Resources, do by this order, declare -

- (a) that the area of land, the limits of which are described in schedule I hereto shall be an environmental protection area for the purposes of the aforesaid Act and shall be called the "Bolgoda Environmental Protection Area"; and
- (b) that for so long as this Order is in force , -
 - (i) any planning scheme or project within the aforesaid Bolgoda Environmental Protection Area which is in conflict with the provisions of the aforesaid Act, shall cease to operate from the date of the making hereof ;
 - (ii) no person other than the Central Environmental Authority shall exercise any powers or discharge any functions within the limits of the aforesaid Bolgoda Environmental Protection Area ;
 - (iii) the powers and functions of the Central Environmental Authority (Permitted Uses) shall in relation to the aforesaid Bolgoda Environmental Protection Area be limited to those specified in Schedule II to this Order and shall be exercised and discharged in accordance with the conditions specified in Schedule III hereto.

For the purposes of this Order "Central Environmental Authority" means the Authority established under the National Environmental Act, No. 47 of 1980.

PATALI CHAMPIKA RANAWAKA,
Minister of Environmental and Natural Resources.

Colombo,
9th October, 2009.

SCHEDULE I

THE AREA OF LAND COMPRISING THE BOLGODA ENVIRONMENTAL PROTECTION AREA

All that area of land sixty (60) metres landward from either side of the existing banks of Veras Ganga, Bolgoda North Lake, Bolgoda Ganga Bolgoda South Lake and the Panadura Ganga inclusive of all water bodies and all islands falling within it, up to the, South extreme point of Veras Ganga and North extreme point of Bologoda Lake front of the river mouth of Panadura Ganga situated in the Western Province in the Divisional Secretary's Divisions of Rathmalana, Kesbewa and Moratuwa in the Administrative District of Colombo and the Divisional Secretary's Divisions of Panadura, Bandaragama and Kalutara in the Administrative District of Kalutara.

SCHEDULE II

PERMITTED USES

1. Tourism and Recreational Activities.
2. Dwelling houses as approved by the UDA and the relevant Local Authority.
3. Visitor Centres and Environmental Educational Information Centres.
4. Water transport if carefully integrated and operated.
5. Water sports if carefully intergrated and operated.
6. Meditation centres.
7. Parks and playgrounds.
8. Mini Golf Courses.
9. Nature trails.
10. Linear paths
11. Theme parks.
12. Marsh parks.
13. Wetland Forestry.
14. Traditional Aquaculture, Fishing
15. Jetties, piers and decks.
16. Development and maintenance of irrigation and flood protection schemes.
17. Agriculture (except commercial level livestock farms).
18. Sand mining in accordance with the provisions contained in the regulation published in Gazette Extraordinary No. 1454/4 of July 17, 2006.
19. Management activities related to the sustainability of the Environmental Protection Area.
20. Any other uses connected to any of the above as may be specified by the Central Environmental Authority (CEA) from time to time.

SCHEDULE III

CONDITIONS SUBJECT TO WHICH PERMITTED USES ARE TO BE CARRIED OUT

1. All developments shall be carried out without disturbing vitally important plants and animal habitats.
2. All areas of outstanding landscape, wildlife habitats, cultural and historical value should be conserved.
3. No barriers or activities which hinder the sustainability of the Environmental Protection Area will be permitted . The Central Environmental Authority (CEA) shall have the power to order the removal of any such barrier so erected or stop any activity so carried out.

SCHEDULE III (Contd.)

4. (a) A reservation area of at least forty (40) feet in width, from the existing high flood level of the water body in the Environmental Protection Area should be maintained along the banks of the river.

(b) No permanent or temporary construction activities shall be allowed within the reservation area.

(c) This area could be landscaped properly under the guidance of the evaluation committee specified in item 10.
5. Permitted uses shall be carried out in such a manner as not to disturb the general life pattern or livelihood of the villagers.
6. All permitted uses whether existing or proposed should have its own integrated management plan for soil conservation, storm water drainage, waste management and landscape works. The plan should be prepared in consultation with the Central Environmental Authority, Urban Development Authority, Irrigation Department, Sri Lanka Land Reclamation and Development Corporation, Coast Conservation Department, Sri Lanka Tourism Development Authority, Local Authority, Divisional Secretary, Department of Fisheries, Department of Agriculture, Agrarian Development Department as the case may be. Such plan should thereafter be implemented and maintained by the developer accordingly.
7. The high flood level of the water body should be physically demarcated on ground by the developer in consultation with the Irrigation Department.
8. If the permitted uses described in the Schedule II is a Prescribed Project under Part IV C of the National Environmental Act, approval should be obtained accordingly.
9. If the proposed project is not prescribed under the Part IV C of the National Environmental Act, an Environmental Assessment should be carried out in accordance with the Terms of Reference provided by the CEA prior to the CEA granting approval for the project. (This requirement shall not apply to the building of dwelling houses, agriculture, fisheries and sand mining). For such projects an Environmental Assessment Report prepared in accordance with the Terms of Reference provided by the CEA should be submitted for evaluation.
10. The Environmental Assessment Report will be evaluated by an appropriate committee appointed by the CEA.
11. The CEA will appoint a Monitoring Committee to monitor the project activities.
12. An Administrative Levy Scheme will be prepared and adopted by the CEA, in order to process and evaluate Project Proposal and monitor the project activities.