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The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

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No. 2024/6 - MONDAY, JUNE 19, 2017

(Published by Authority)

**PART I : SECTION (I) — GENERAL**  
**Government Notifications**

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

**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 read with Paragraph (2) of Article 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka, I, Maithripala Sirisena, President, 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 “Warathenna-Hakkinda Environmental Protection Area” ; and
- (b) that for so long as this Order is in force -
- (i) any planning scheme or project within the aforesaid Warathenna-Hakkinda 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 Authority or a person authorized by the Authority shall exercise, perform, and discharge any powers, duties or functions within the limits of the aforesaid Warathenna-Hakkinda Environmental Protection Area ; and
- (iii) any person who intends to carry out any activity within the Warathenna-Hakkinda Environmental Protection Area shall carry out only the permitted uses set out in Schedule II hereto and shall obtain approval from the Authority subject to the conditions set out in Schedule III hereto.
- (c) a Monitoring Committee consisting of the members set out below shall monitor the activities taking place within the Warathenna-Hakkinda Environmental Protection Area in accordance with the guidelines issued by the Authority :-
- (i) a representative of the Authority not below the rank of a Director who shall serve as the Chairman of the Committee ;



- (ii) a representative from the the Mahaweli Authority of Sri Lanka ;
- (iii) a representative from the District Secretariat of Kandy ;
- (iv) a representative from the National Building Research Organization ;
- (v) a representative from the Urban Development Authority ;
- (vi) a representative from the Department of Wildlife Conservation ;
- (vii) a representative from the Department of Land Use Policy Planning ;
- (viii) a representative from the Natural Resource Management Centre of the Department of Agriculture ;
- (ix) a representative from the Kandy Municipal Council ;
- (x) a representative each from the Pradeshiya Sabhas of Harispattuwa and Yatinuwara ;
- (xi) a representative each from the Divisional Secretariats of Kandy Four Gravets and Gangawata Korale, Harispathuwa and Yatinuwara ;
- (xii) a representative from a community based organization operating in the area.

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

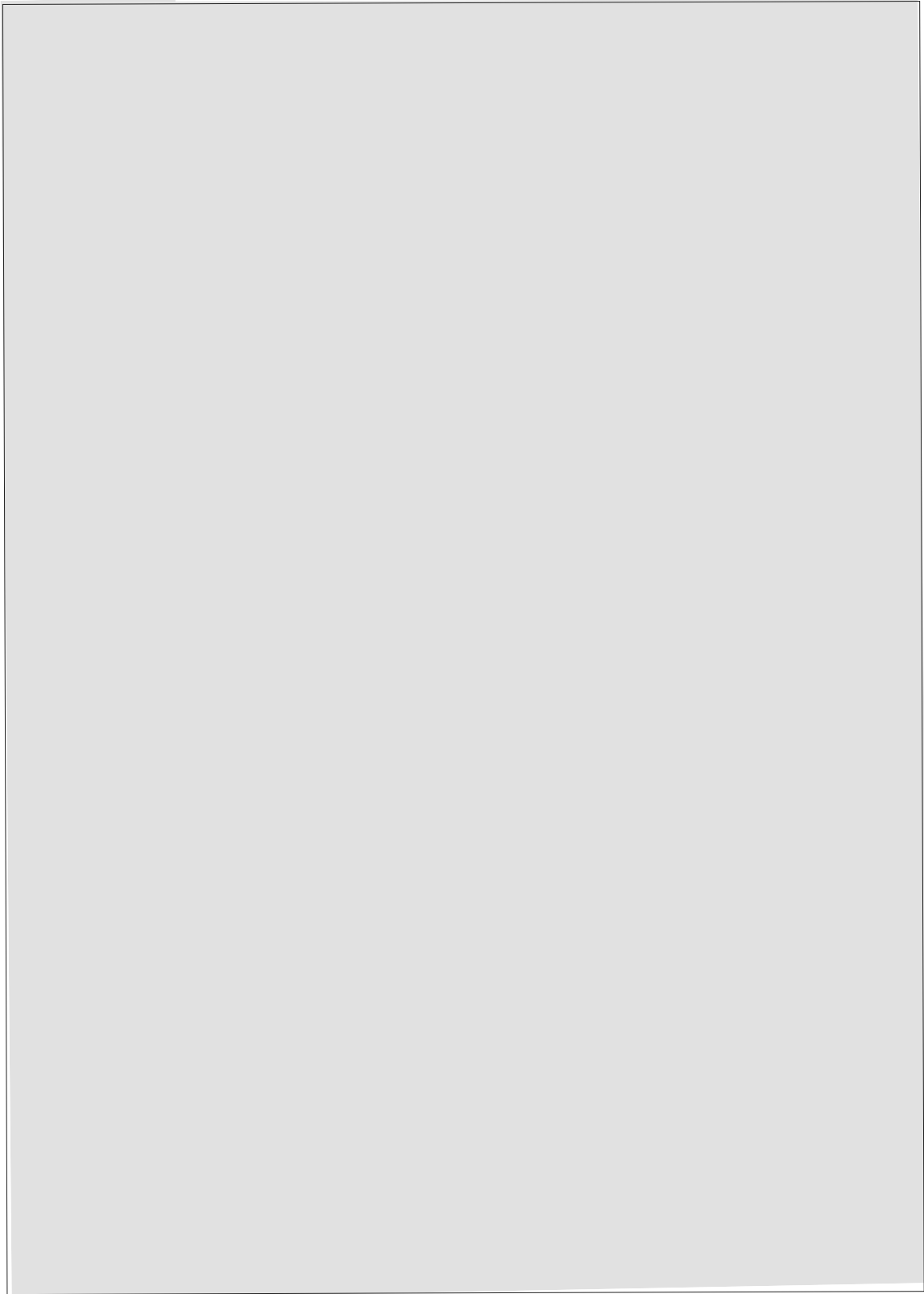
MAITHRIPALA SIRISENA,  
President.

Colombo,  
13th June, 2017.

#### SCHEDULE I

Limits of the Warathenna-Hakkinda Enviornmental Protection Area containing in Extent 59.4 hectares consisting of the River Mahaweli and all islands falling within, situated in Kandy Four Gravets and Gangawata Korale, Harispathuwa and Yatinuwara Divisional Secretariat Areas in Kandy District in the Central Province, is depicted in the map set out hereunder and bounded as follows :-

- North* : From the point where the mid line of Peradeniya-Haloluwa-Katugasthota road meets the mid line of the Dodamwala suspension bridge up to the point where the mid line of the Dodamwala suspension bridge meets the mid line of the Srimath Kuda Rathwaththe Mawatha *via* mid line of the Dodamwala suspension bridge.
- East* : From the above-mentioned last point up to the midpoint of the Gatambe roundabout *via* the mid line of Srimath Kuda Rathwaththe Mawatha and the mid line of Deveni Rajasinghe Mawatha and the mid line of Colombo-Kandy Road.
- South* : From the above-mentioned last point up to the point at Gannoruwa Agricultural Centre junction, where the mid line of Colombo-Kandy road meets the mid line of Peradeniya-Haloluwa-Katugasthota Road *via* the mid line of Gatambe bridge and the mid line of Colombo-Kandy road.
- West* : From the above-mentioned last point up to the point where the mid line of Peradeniya-Haloluwa-Katugasthota Road meets the mid line of the Dodamwala suspension bridge *via* the mid line of Peradeniya-Haloluwa-Katugasthota Road.



Map of Warathenna-Hakkinda Enviornmental Protection Area (EPA)

## SCHEDULE II

### PERMITTED USES

*Uses permitted within the Warathenna-Hakkinda Environmental Protection Area :*

1. Construction of dwelling houses and setting up of offices and small scale business in private lands within the area as approved by the UDA and relevant local authorities.
2. Extension, infrastructure development and renovation of existing dwelling houses and housing scheme.
3. Infrastructure development and renovation of existing offices and business premises.
4. Maintenance and repairing of existing roads, water and electricity supply networks.
5. Carrying out religious, educational and research activities.
6. Setting up of temporary camp sites only for educational and research activities.
7. Reforestation and establishment and maintenance of nurseries and herbal gardens using native species only.

## SCHEDULE III

### CONDITIONS SUBJECT TO WHICH PERMITTED USES ARE TO BE CARRIED OUT

All permitted uses shall be carried out within Warathenna-Hakkinda Environmental Protection Area, in accordance with conditions set out as follows :-

1. All applications seeking approval for permitted uses set out in the Schedule II within the Warathenna-Hakkinda Environmental Protection Area, shall be made to the Authority.
2. Where any permitted use set out in Schedule II for which approval is sought, is a prescribed project under Part IVC of the National Environmental Act, No. 47 of 1980 the necessary prior approval for such prescribed project shall be obtained from relevant authority.
3. Where a permitted use set out in Schedule II is not a prescribed project under Part IVC of the National Environmental Act, No. 47 of 1980,
  - (a) a project proposal shall be submitted to the Authority for approval in accordance with a Terms of Reference (ToR) or a questionnaire provided by the Authority ;
  - (b) The Authority shall evaluate such project proposal through a Technical Evaluation Committee appointed by the Authority and either ;
    - i. grant approval for implementation of the proposed project subject to specified conditions ; or
    - ii. refuse to grant approval for implementation of the proposed project with reasons.
  - (c) The approval granted by the Authority shall be valid for a period of three years from the date of granting the approval.
  - (d) The applicant shall apply for a renewal of the approval from the Authority, within Thirty (30) working days prior to the date of expiry of the approval.

4. No temporary or permanent construction or any type of development activity shall be carried out ;

- (a) in any of the islands ; or
- (b) in any State land situated

within the Warathenna-Hakkinda Environmental Protection Area.

5. No commercial level land blocking out for housing constructions or any other development activity shall be carried out within Warathenna-Hakkinda Environmental Protection Area other than blocking out of ancestral lands to be distributed among family members.
6. No barrier or activity which hinders the sustainability of the Warathenna-Hakkinda Environmental Protection Area shall be permitted. The Authority shall order removal of such barrier erected or stop carrying out such an activity.
7. All development activities related to permitted uses shall be implemented as per the guidelines given by the Authority.
8. All permitted uses shall be carried out in such a manner as not to harm or disturb the environment or cause nuisance to the public.
9. A five meter (5m) reservation area towards landside from the river bank shall be marked in consultation with the Mahaweli Authority of Sri Lanka.
10. No person shall, within the five meter (5m) river reservation mentioned in above condition No. 09 ;
- (a) construct temporary or permanent structures.
  - (b) renovate existing buildings without obtaining approvals of the Authority and other relevant institutions.
  - (c) cause harm or carry out any activity which is likely to cause harm to native flora or fauna species.
  - (d) carry out any landscaping activity.
  - (e) carry out any land filling activity.
11. Introduction of any chemical or physical substance into the Area or any alteration to the existing environmental conditions shall not be carried out during educational and research activities.
12. No flora or fauna species which possess invasive characteristics or likely to be invasive, shall be cultivated, kept within or introduced into the Environmental Protection Area.
13. No construction which hinders the view of the environment or scenic value of the environment shall be carried out.
14. Reclamation of paddy fields, marches, bogs, barren land and low lands shall not be permitted.
15. Waste water or solid waste shall not be discharged or disposed into the Mahaweli River, streams which connect to the Mahaweli River, reservation and lands within the abovementioned boundary.
16. Any chemical substance which could alter the physical or chemical quality of the Mahaweli River or which could detriment aquatic flora or fauna of the river, shall not be discharged into the Mahaweli River, reservation or any stream which connects to the river within the abovementioned boundary.

17. Mineral extraction or exploration activities by using mechanical or manual methods shall not be permitted within the Warathenna-Hakkinda Environmental Protection Area.
18. All permitted activities whether existing or proposed shall ;
  - (a) have its own integrated management plan for soil conservation, storm water drainage, waste (solid and liquid) management, waste water management and landscape work.
  - (b) follow guidelines issued by the Authority, local authorities or other relevant institutions in respect of preparation of such plan ; and
  - (c) be implemented and maintained by the developer accordingly.
19. An administrative charge shall be levied by the Authority for the process of the approval of permitted uses and for monitoring activities related to permitted uses from the project proponent.
20. No activity shall be carried out such a manner so as to disturb the traditional lifestyle of the villagers.
21. Any person who acts in contravention of any condition commits an offence punishable under the provisions of the National Environmental Act, No. 47 of 1980.

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