

NOTICE 1104 OF 2014**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****PROPOSED REGULATIONS FOR THE MOUNTAIN ZEBRA CAMDEBOO PROTECTED
ENVIRONMENT**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to make regulations for the Mountain Zebra Camdeboo Protected Environment, under section 86(1)(b) and (c) read with section 86(3) of the National Environmental Management: Protected Areas Act, 2003, as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 days from the date of publication of the notice in the *Gazette*, written representations on or objections to the following addresses:

By post to: The Director-General: Department of Environmental Affairs
Attention: Ms T Ntloko
Private Bag X447
PRETORIA
0001

By hand at: Environment House, 473 Steve Biko Street, Arcadia, Pretoria, 0083.
By email: gcowan@environment.gov.za

Any enquiries in connection with the draft regulations can be directed to Ms Thumeka Ntloko at 012 399 9531.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates —

"activity" has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"authorised official" means an employee of the Association, or any other person acting as such on authorisation in writing of the Association, and includes an environmental management inspector;

"development" means any physical intervention, excavation or action, other than that caused by natural forces, which may result in a change in the appearance or physical nature of a site in the core conservation area or influence its stability and future well-being, including—

- (a) the construction, alteration, demolition, removal or change of use of a site or a structure on the site;
- (b) the carrying out of any works on, over or under the site;
- (c) the construction or putting up for display of signs or notice boards;
- (d) any change to the natural or existing condition or topography of land; or
- (e) any removal, physical disturbance, clearing or destruction of trees or vegetation or the removal of topsoil;

"environment" has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"environmental management inspector" has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"environmental impact assessment" has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"high impact zone" refers to a demarcated zone designated for used for high impact agricultural or ecotourism activities, including homesteads, arable lands, farm stores, labour accommodation or lodges;

"low impact zone" refers to a demarcated zone designated for areas used for grazing, stock production, hunting or ecotourism, including support infrastructure such as roads, fences and water points;

"major scale infrastructure" refers to any support infrastructure that requires an environmental impact assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"management authority" has the meaning assigned to it in section 1 of the Act;

"management plan" means the management plan for the protected environment approved from time to time by the Minister of Environmental Affairs in terms of the Act;

"member" means a person belonging to the Association;

"mining" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

"owner" means the registered owner of a property situated in the protected environment;

"person" includes a juristic person;

"property" means the full extent of an immovable property or properties situated in the protected environment and declared as a protected environment under the Act;

"prospecting" has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

"small scale infrastructure" refers to any support infrastructure that does not require an environmental impact assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"the Association" means the Mountain Zebra Camdeboo Land Owners' Association;

"the National Water Act" means the National Water Act, 1998 (Act No. 36 of 1998); and

"water resource" has the meaning assigned to it in section 1 of the National Water Act, 1998 (Act No. 36 of 1998).

Purpose of regulations

2. The purpose of these Regulations is to —

- (a) provide for the management of the Mountain Zebra Camdeboo Protected Environment in accordance with the Act;
- (b) conserve and restore biodiversity in the Mountain Zebra Camdeboo Protected Environment;
- (c) conduct integrated environmental management;
- (d) ensure the protected environment is managed and developed in a manner which is ecologically sound, economically viable, financially profitable and satisfying to the owners of the properties in the Mountain Zebra Camdeboo Protected Environment;
- (e) ensure that the use of natural and biological resources in the Mountain Zebra Camdeboo Protected Environment is undertaken in a sustainable manner;
- (f) control change in the use of land situated within the Mountain Zebra Camdeboo Protected Environment;

- (g) ensure that the supply of environmental goods and services within the Mountain Zebra Camdeboo Protected Environment is undertaken in an equitable and sustainable manner and is consistent with the Act and the purpose for which the Mountain Zebra Camdeboo Protected Environment has been declared as such; and;
- (h) ensure that all developments as well as any other activities carried out and to be carried out in the Mountain Zebra Camdeboo Protected Environment are appropriate for the area and consistent with the Act, given the purpose for which the Mountain Zebra Camdeboo Protected Environment has been declared as such.

Application of Regulations

3. These Regulations are applicable to the Mountain Zebra Camdeboo Protected Environment, declared as a protected environment under section 28 of the Act.

Mandate of Association

4. The Association in managing the protected environment —
- (a) must, within 12 months of the assignment, submit a management plan for the Mountain Zebra Camdeboo Protected Environment to the Minister for approval,
 - (b) manage the area exclusively for the purpose for which it was declared and in accordance with the management plan for the area and applicable national and provincial legislation and municipal by-laws,
 - (c) may amend the management plan by agreement with the Minister,
 - (d) must monitor the area against indicators set by the Minister for monitoring performance with regard to the management of national protected areas and the conservation of biodiversity in those areas and, annually report its findings to the Minister or a person designated by the Minister,
 - (e) may enter into an agreement with another organ of state, local community, an individual or other party for the co-management of the area by the parties.

Protected environment notice

5. The Association may from time to time—
- (a) amend the management and zoning plan by agreement with the Minister, and
 - (b) set aside any land according to the approved zoning in the management plan.

Zonation

6. (1) Land use in the Mountain Zebra Camdeboo Protected Environment is regulated by the management plan and in particular the zoning plan.
- (2) Within the zoning plan two zones have been identified, namely, the high impact zone and the low impact zone.

Management of developments in the high impact zone

7. (1) Permissible activities within the high impact zone are as follows:

- (a) high impact agricultural activities including arable lands and irrigation,
- (b) the development of major infrastructure including homesteads, labor accommodation, support farm buildings such as stores, barns and sheds, intensive working kraals, lodges and dams servicing the farm's main water needs,
- (c) the creation of arable lands, dams and major access roads, and
- (d) any of the permissible activities allowed in the low impact zones, as long as these activities adhere to the existing national, provincial and municipal legislation.

(2) The permissible activities in the high impact zone do not require authorization from the management authority.

(3) Non-Permissible activities within the high impact zone are as follows:

- (a) any form of prospecting or mining inclusive of hydraulic fracturing;
- (b) any form of illegal developments according to South African legislation; and
- (c) any transition away from agriculture or ecotourism land use which includes the use of the land for infrastructure installations, settlements and intensive tourism and recreation land uses such as golf-courses, polo fields and housing estates.

Management of developments in the low impact zone

8. (1) Permissible activities within the low impact zone are as follows:

- (a) the grazing of livestock and game;
- (b) ecotourism and hunting;
- (c) small scale infrastructure to support the activities listed in subregulations (1)(a) and (1)(b); and
- (d) the creation of support infrastructure such as farm tracks, water points and fencing,
as long as these activities adhere to existing national, provincial and municipal legislation.

(2) The permissible activities in the low impact zone do not require authorization from the management authority.

(3) Non-permissible activities within the low impact zone are as follows:

- (a) the ploughing of virgin rangeland to convert it to arable land;

- (b) the development of major infrastructure on such a scale as to require an environmental impact assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - (c) any form of prospecting or mining inclusive of hydraulic fracturing;
 - (d) any form of illegal developments according to South African legislation; and
 - (e) any transition away from agriculture or ecotourism land use which includes the use of the land for infrastructure installations, settlements and intensive tourism and recreation land uses such as golf-courses, polo fields and housing estates.
- (4) The Association may, in accordance with the voting rules set out in its Constitution and on the conditions that it deems expedient, provide for exemption where it deems fit in accordance with the management plan and objectives of the protected environment.

General Management of the Protected Environment

9. (1) Despite other legislation, no person may conduct commercial prospecting or mining activities within the Mountain Zebra Camdeboo Protected Environment.
- (2) Where a proposed activity requires authorization under the National Environmental Management Act, 1998 (Act No. 107 of 1998) or National Water Act, appropriate authorizations needs to be obtained before the activity commences and copies of such an application and authorization needs to be submitted to the management authority.

Dispute resolution

10. Chapter 4 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) applies to the resolution of conflicts arising from the implementation of these Regulations.

Offences

11. Any person who contravenes or fails to comply with any provision of these Regulations is guilty of an offence.

Penalties

12. A person convicted of an offence in terms of regulation 11 of these Regulations is liable to a fine or to imprisonment for a period not exceeding five years or to both a fine and imprisonment.

Short title and Commencement

13. These Regulations are called the Mountain Zebra Camdeboo Protected Environment Regulations, 2014.