

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4386

16 February 2024

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

NOTICE OF THE INTENTION TO ADOPT ENVIRONMENTAL MANAGEMENT INSTRUMENTS FOR THE PURPOSE OF EXCLUDING IN TERMS OF SECTION 24(2)(c) AND (e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), IDENTIFIED ACTIVITIES FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby give notice of the intention to adopt the *Kruger National Park Management Plan 2018 – 2028* and the Generic Environmental Management Programme for the Kruger National Park as environmental management instruments in terms of section 24(5)(bA) of the National Environmental Management Act, 1998, (Act No. 107 of 1998), read with the Regulations Laying Down the Procedure to be Followed for the adoption of Spatial Tools or Environmental Management Instruments, 2019.

Based on this adoption I hereby intend to exclude the South African National Parks, in terms of section 24(2)(c) and 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), from the requirement to obtain and environmental authorisation, prior to commencement of activities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which have been identified in the Schedule, when undertaken in line with the zoning scheme in the Kruger National Park Management Plan 2018 – 2028.

The exclusion is subject to compliance with the Generic Environmental Management Programme for the Kruger National Park and the Code of Conduct for the Kruger National Park. All documents related to this exclusion are available on this link on the departmental webpage: https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments. The Government Notice will also be available on https://www.dffe.gov.za/legislation/gazetted_notices.

An exclusion in terms of this Notice does not exclude the Kruger National Park from complying with any applicable and relevant legislation.

Members of the public are invited to submit written comments or input, within 30 days from the date of the publication of this Notice in the *Government Gazette*, to any of the following addresses:

By post to: Department of Forestry, Fisheries and the Environment
The Director-General
Attention: Dr Dee Fischer
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria.

By e-mail: dfischer@dfef.gov.za

Any inquiries in connection with the Notice can be directed to Dr Dee Fischer by phone at 012 399 8843 or by e-mail at dfischer@dfef.gov.za.

Comments or input received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Definitions

In this Schedule a word defined in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or the Environmental Impact Assessment Regulations, 2014, as amended has the same meaning, and unless the context indicates otherwise —

“Annual Infrastructure Project Implementation Plan” means the yearly plan detailing the tasks, financial, and personnel resources to undertake specific tasks that will lead to the achievement of the objectives of the Kruger National Park as reflected in the approved Park Management Plan and accessible at https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments;

“competent authority” means the organ of state that would have been designated by section 24C of the Act with considering an application for an environmental authorisation in respect of a listed or specified activity;

“environmental control officer” means the specific person who will ensure the implementation of tasks in line with the Generic Environmental Management Programme to ensure that the projects and activities achieve the overall environmental objectives;

“Generic Environmental Management Programme” means a document that, by means of a structured approach, outlines impact management outcomes and impact management actions that can be implemented to minimize environmental impacts and promote ecological sustainability;

“Kruger National Park” is a South African National Park, established in terms of the National Parks Act, 1976 (Act No. 57 of 1976), and is in terms of section 20(5) of the Protected Areas Act now regarded as having been established in terms of the Protected Areas Act, including any additional areas that are from time to time declared to be part of the Kruger National Park in terms of section 20(1)(a)(ii) of the Protected Areas Act;

“Park Environmental Compliance Officer” means an official appointed by SANParks and working in a similar role to the environmental control officer appointed by contractors on projects, who is responsible for assessing proposed developments and activities within the Kruger National Park, monitoring compliance with environmental legislation, auditing the requirements of the Generic Environmental Management Programme, as well as assessing developments and review of management plans;

“SANParks” means the South African National Parks, the state-owned entity, charged with the responsibility of the management of national parks in the country in terms of section 38(1)(Aa) of the Protected Areas Act;

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

“the Environmental Impact Assessment Regulations, 2014” means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time;

“the Park Management Plan” means the Kruger National Park: Park Management Plan for the period 2018 – 2028, as approved by Mr D.A. Hanekom, MP, Acting Minister of Environmental Affairs, 22 November 2018, in terms of sections 39, 40 and 41 of the Protected Areas Act, and updated every 10 years;

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

“zoning scheme” means zones derived from the protected area zoning scheme used in nature reserves, which is legally required in terms of section 41(2)(g) of the Protected Areas Act.

2. Introduction

This exclusion applies to the Kruger National Park based on the Park Management Plan, as submitted by SANParks to, and approved by, the Minister in terms of the Protected Areas Act. The primary mandate as stated in the Park Management Plan is to protect and conserve biodiversity in the Kruger National Park in a manner which is consistent with the objectives of the Protected Areas Act and for the purpose it was declared.

The Park Management Plan provides the broad strategic and operational framework for the management of the park, thereby ensuring the protection of SANParks's values and achievement of the goals and objectives of the park within the context of the broader regional landscape over a 10-year period. The plan provides information on the biophysical context, desired state, programmes at strategic and operational levels and costing.

The Park Management Plan has been prepared with input from stakeholders, local and district municipalities, other organs of state, traditional authorities and non-government organisations who were consulted through public meetings, focus groups meetings, as well as through written inputs.

3. Adoption of the Park Management Plan and Generic Environmental Management Programme as Environmental Management Instruments

The Park Management Plan has been reviewed and has been found to meet the requirements of sections 39, 40 and 41 of the Protected Areas Act and the national environmental management principles contained in section 2 of the Act. In addition, a Generic Environmental Management Programme for the avoidance, management and rehabilitation of environmental impacts, that would result from the activities of SANParks as the management authority of the Kruger National Park, has been prepared based on the requirements of section 24N of the Act and Appendix 4 of the Environmental Impact Assessment Regulations, 2014.

The Park Management Plan and Generic Environmental Management Programme are intended to be adopted as environmental management instruments in terms of section 24(5)(bA) of the Act, read with the Regulations Laying Down the Procedures to be Followed for the adoption of Spatial Tools or Environmental Management Instruments, for the purposes of excluding identified activities to be developed within the Kruger National Park from the requirement to obtain an environmental authorisation prior to commencement as contemplated in section 24(2)(c) and (e) of the Act.

4. Scope of the Exclusion

Activities identified in terms of sections 24(2)(a) and (b) of the Act, as contemplated in paragraph 4.1 are excluded from the requirement to obtain an environmental authorisation when undertaken within the Kruger National Park, subject to the limitation contained in subparagraph 2:

4.1 Activities

- 4.1.1 all activities listed in the Annual Infrastructure Project Implementation Plan;
- 4.1.2 all activities related to maintenance; and
- 4.1.3 all activities related to conservation projects or rehabilitation.

4.2 In the context of the activities referred to in subparagraph 1, the following activities do not form part of this exclusion:

- 4.2.1 all energy activities related projects for which an atmospheric emission licence is required under the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); and
- 4.2.2 all waste management activities for which a waste management licence is required under the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

in which case an application for an environmental authorisation is required.

5. Conditions of Exclusion

5.1 The following conditions will be applicable to the proposed exclusion:

- 5.1.1 Ensure each proposed project is located in the appropriate zone in terms of the zoning scheme contained in the Park Management Plan for the Kruger National Park. A site plan must be provided for each project site where the exclusion will be applied.
- 5.1.2 A site sensitivity verification of each proposed development site must be undertaken, during the preparation of the site plan, by means of a walkthrough by the Kruger National Park Section Rangers, relevant Kruger National Park specialists qualified in the fields of ecology, biodiversity, heritage, animal or plant species, as relevant, based on the activity and sensitivity of the area, as well as representatives from the Conservation Management and Technical Services departments, as appropriate; and
- 5.1.3 Any areas identified through the site sensitivity verification as being unsuitable for development because of high environmental sensitivity must be cordoned off and any species of conservation concern or special value that must be protected from development, must be identified and either taken to the Kruger National Park nursery or relocated to other suitable areas in the park in consultation with the relevant experts in the park.

5.2 A list of the proposed projects that are the subject of this exclusion must be prepared and signed off annually by the Kruger National Park's Managing Executive or relevant designated official in a similar role in the Kruger National Park as part of the Annual Infrastructure Project Implementation Plan, commencing within 12 months of the implementation of this exclusion.

- 5.3 Kruger National Park must comply with the Generic Environmental Management Programme for Kruger National Park.
- 5.4 The requirements of the Generic Environmental Management Programme are binding for all projects that fall within the scope of the Government Notice and this Schedule.
- 5.5 Compliance with the requirements of Part B of the Generic Environmental Management Programme must be monitored by the Park Environmental Compliance Officer or Environmental Control Officer. The frequency of the compliance inspections will be at the discretion of the Park Environmental Compliance Officer or Environmental Control Officer, but this must be agreed upon upfront with any contractors during the induction phase for each project. The competent authority will also monitor compliance as required.
- 5.6 Kruger National Park must conduct an annual environmental audit, commencing within 12 months of the coming into effect of this exclusion, which determines the compliance with the conditions of this Schedule and the Generic Environmental Management Programme, which audit report is to be submitted to the compliance monitoring unit within the national department responsible for environmental affairs within 2 months of completion of such an audit.
- 5.7 Failure to comply with the conditions contained in this Schedule, the Park Management Plan or the Generic Environmental Management Programme constitutes an offence in terms of section 49A(1)(d) of the Act.