

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 550

Pretoria, 29 April 2011

No. 34260

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**GOVERNMENT NOTICE**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****No. 392****29 April 2011****NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)****PROPOSED REGULATIONS FOR THE NUWEJAARS WETLAND PROTECTED ENVIRONMENT**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice in terms of section 86(3) of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003) of my intention to make, in terms of section 86(1) of the said Act, the regulations in the Schedule,.

An electronic copy of the proposed regulations may be requested from the following person:

Mr K Naude  
Tel: (012) 310 3700  
E-mail [knaude@environment.gov.za](mailto:knaude@environment.gov.za)

Members of the public are hereby invited to submit written comments on the draft regulations to the Minister. Such comments must be submitted within 60 days of publication of this notice, to the following address:

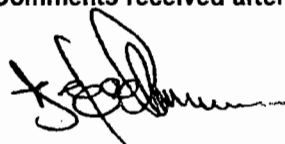
By post to: The Director-General: Environmental Affairs  
Attention: Mr K Naude  
Private Bag X447  
**PRETORIA**  
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Or hand delivered at 315 Pretorius Street, Corner Pretorius and Van der Walt Streets, Fedsure Forum Building, 2<sup>nd</sup> Floor, North Tower.

Or by fax to: (012) 320-7561, or by e-mail to [knaude@environment.gov.za](mailto:knaude@environment.gov.za)

Any questions relating to the draft regulations can be directed to Mr K Naude at (012) 310-3700

**Comments received after the closing date may be disregarded.**



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF WATER AND 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 requires otherwise—

"alien species" has the meaning assigned to it in section 1 of the Biodiversity Act;

"angle/angling" means:

- (a) to catch fish by using a line and fish-hook, whether or not a rod is used; and
- (b) includes the use of a landing-net to land, or a keep-net to keep fish caught in accordance with the method as described.

"association" means the Nuwejaars Wetland Land Owners' Association, an association with perpetual succession and legal personality, to which the management of the protected environment has been assigned by the Minister;

"authorised official" means an employee of the management authority for the protected environment, or any other person acting as such on the written authorisation of such management authority, and includes an environmental management inspector;

Biodiversity Act means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 Of 2004);

"biological resource" means an indigenous biological resource as defined in section 1 of the Act as may occur in the core conservation area;

"bioprospecting" has the meaning assigned to it in section 1 of the Biodiversity Act;

“core conservation area” means those areas within the protected environment, identified as such in terms of the management plan in accordance with section 41(2)(g) of the Act, designated for biodiversity conservation and associated land uses;

“critically endangered species” has the meaning assigned to it in section 1 of the Biodiversity Act;

“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; and
- (e) any removal, physical disturbance, clearing or destruction of trees or vegetation or the removal of topsoil;

“employee” means a person in the employ of a management authority;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“environmental goods and services” has the meaning assigned to it in section 1 of the Act;

“environmental impact assessment” means any process of collecting, organizing, analysing, interpreting, and communicating information that is relevant to assess the impacts of activities on the environment of the protected environment;

“environmental management inspector” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“firearm” has the meaning assigned to it in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);

"indigenous species" has the meaning assigned to it in section 1 of the Biodiversity Act;

"invasive species" has the meaning assigned to it in section 1 of the Biodiversity Act;

"listed threatened or protected species" has the meaning assigned to it in section 1 of the Biodiversity Act;

"management authority" means the Nuwejaars Wetland Land Owners' Association, an association with perpetual succession and legal personality;

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

"Marine Living Resources Act" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

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

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

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

"overnight" means to be present in the water area between sunset and sunrise;

"person" includes a juristic person;

"pollution" has the meaning assigned to it in section 1 of the National Environmental Management Act;

"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, as well as all further land which may be formally declared by the Minister to form part of the protected environment;

"protected area notice" means a written notification issued by the management authority;

"protected environment" means the Nuwejaars Wetland, which is declared as a protected environment by notice in the Gazette in terms of section 28 of the Act;

"protected species" has the meaning assigned to it has the meaning assigned to it in section 1 of the Biodiversity Act and includes a specimen of such species occurring in the core conservation area;

"species" has the meaning assigned to it in section 1 of the Biodiversity Act;

"specimen" means a specimen as defined in section 1 of the Biodiversity Act;

"the Act" means the National Environmental Management: Protected Areas Act 2003 (Act No, 57 of 2003);

"vehicle" means any vehicle in, on or with which goods or people can be transported on land and designed or adapted principally to travel on wheels or tracks;

"vessel" means any conveyance capable of floating on or in water and designed for navigation on or in water, and includes any conveyance propelled by means of a propeller above the surface of the water;

"waste" has the meaning assigned to it in section 1 of the National Water Act;

"watercourse" has the meaning assigned to it in section 1 of the National Water Act;

"water resource" has the meaning assigned to it in section 1 of the National Water Act;

"water-skiing" means to ski, surf, skate, paraglide or glide on, over, above or in the water with or without the assistance of any kind of skiing, surfing, skating, paragliding, gliding, plastic or rubber tubing apparatus, and where the water-skier is towed by a vessel by means of a towing-rope, and the noun has a corresponding meaning;

"wetland" has the meaning assigned to it in section 1 of the National Water Act; and

"written authorisation" means a written authorisation granted by the management authority.

## 2 PURPOSE OF REGULATIONS

The purpose of these regulations is to—

- (a) provide for the management of the protected environment in accordance with the Act;
- (b) conserve and restore biodiversity in the protected environment;
- (c) conduct integrated environmental management;
- (d) ensure the protected environment is managed and developed in such a manner which is ecologically sound, economically viable, financially profitable and satisfying to the owners of the properties in the protected environment;
- (e) ensure that the use of natural and biological resources in the protected environment is undertaken in a sustainable manner;
- (f) control change in the use of land situated within the protected environment;
- (g) ensure that the supply of environmental goods and services within the protected environment is undertaken in an equitable and sustainable manner and is consistent with the Act and the purpose for which the protected environment has been declared as such;
- (h) ensure that all development as well as any other activities carried out and to be carried out in the protected environment are appropriate for the area and consistent with the Act given the purpose for which the protected environment has been declared as such.

## 3 APPLICATION OF REGULATIONS

- (1) These Regulations are applicable to the protected environment.
- (2) Authorised officials and environmental management inspectors are not subject to these Regulations in relation to the performance of their functions or the exercise of their powers in the course of the performance of their duties or their employment.



#### 4 MANDATE OF MANAGEMENT AUTHORITY

- (1) The management authority must manage the protected environment assigned to it in terms of section 38(1) of Chapter 4 of the Act.
- (2) The management authority may in managing the protected environment:
  - (a) manage breeding and cultivation programmes, and reserve areas in the protected environment as breeding places and nurseries;
  - (b) sell, exchange or donate any animal, plant or other organism occurring in the protected environment or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to re-introduce into the protected environment;
  - (c) undertake and promote research;
  - (d) control, remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in the protected environment or that may negatively impact on the biodiversity of the protected environment;
  - (e) carry out any development and construct or erect any infrastructure necessary for the management of the protected environment, subject to environmental authorization;
  - (f) allow visitors to the protected environment;
  - (g) take reasonable steps to ensure the security and well-being of visitors and staff;
  - (h) provide accommodation and facilities for visitors and staff, including the provision of food and household supplies;
  - (i) determine and collect fees for:
    - (i) entry to or stay in the protected environment; or
    - (ii) any service provided by it;
  - (j) by agreement with:
    - (i) a municipality, provide any service in the protected environment which that municipality may or must provide in terms of legislation; or
    - (ii) any other organ of state, perform a function in the protected environment which that organ of state may or must perform in terms of legislation.

## **5 INDEMNITY OF MANAGEMENT AUTHORITY**

- (1) Any person who enters, uses, sails, boats, swims, dives, fishes or water-skis on a water area or any part thereof shall do so at his or her own risk.
- (2) The management authority shall not be liable for any damage or loss to any person in the protected environment caused by:
  - (a) the exercise of any power or the performance of any duty under these regulations; or
  - (b) the failure to exercise any power, or perform any duty under these regulations; orunless the exercise of or failure to exercise the power, or the performance of or failure to perform the duty was unlawful or negligent.

## **6 PROTECTED AREA NOTICE**

- (1) The management authority may from time to time and by means of a Protected Area Notice displayed at the entrance to or at other relevant places of the protected environment:
  - (a) set aside any land or water area;
  - (b) designate any land or water area as a recreation area;
  - (c) designate any land or water area for any other purpose;
  - (d) prohibit or restrict the use and access of any person, vehicle, vessel, pet or species or specimen to any land or water area or any other place or part thereof; or
  - (e) designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area, in the protected environment or part thereof.
- (2) The management authority may, by means of a Protected Area Notice, designate any area within the protected environment as an area within which one or more activities otherwise prohibited in terms of these Regulations may be undertaken, and display a prominent Protected Area Notice to this effect in and around the designated area.
- (3) A Protected Area Notice may impose conditions in relation to the participation in or undertaking of any activity in the protected environment and a management authority may vary or revoke a Protected Area Notice at any time by subsequent Protected Area Notice.

## **7 ESTABLISHMENT OF AN ADVISORY COMMITTEE FOR THE PROTECTED ENVIRONMENT**

- (1) The management authority **may** establish one or more advisory committees in respect of the protected environment.

- (2) In establishing an advisory committee contemplated in sub – regulation (1) the management authority must:
- (a) invite community organisations, non-governmental organisations, residents of, and communities neighbouring, the protected environment to nominate persons who could be taken into consideration when members of the advisory committee are appointed;
  - (b) set the minimum requirements and other criteria which it must take into consideration when deciding which persons to appoint as members of the advisory committee; and
  - (c) determine a method which will enable the invitation contemplated in paragraph (a) above to reach the greatest number of residents of, and communities neighbouring, the protected environment.
- (3) An invitation contemplated in subregulation 2(a) must specify the method of submission and a date by which the nominations must reach the management authority.
- (4) The management authority must, after considering any nominations submitted in terms of subregulation (3), appoint members to the advisory committee: Provided that at least one employee of the management authority, nominated by the management authority, must be an *ex officio* member of the advisory committee: Provided further that any appointment of a member made in respect of any particular advisory committee must be based on a real interest demonstrated by the member in respect of the protected environment.
- (5) The management authority must define the specific mandate of any advisory committee in writing in specific terms. The specific terms must include the terms of reference, the method of communicating advice, the acceptance and rejection of advice offered, the appointment and removal of committee members and the support to be provided together with any remuneration payable and its terms.
- (6) A member of an advisory committee shall be appointed by the management authority for a period not exceeding three years.

## **8 MANAGEMENT OF DEVELOPMENT IN THE CORE CONSERVATION AREA**

- (1) Despite any other legislation, no person may undertake development in the core conservation area without the prior written authorisation of the management authority: Provided that the management authority may not decide on an activity mentioned in Government Notices R.544, R.545 or R. 546 dated 18 June 2010 and published under the National Environmental Management Act.

- (2) The management authority must, on such conditions as it may deem expedient, and subject to the payment of such fees as the management authority in its sole discretion may decide, authorise the undertaking of development in the core conservation area,
- (3) The management authority may, upon receipt of an application for authorisation to undertake a development contemplated in subregulation (1), indicate in writing that a strategic or environmental impact assessment must be undertaken, and indicate the nature and extent of a strategic or environmental impact assessment required for the development in order to enable the management authority to assess the environmental impacts associated with the development.
- (4) The management authority may request additional information from an applicant in order to consider an application for authorisation in terms of these regulations.
- (5) An application for an authorisation and an environmental impact assessment to be submitted in terms of the National Environmental Management Act before a development listed in Government Notices R.544, R.545 or R.546 may be undertaken in the core conservation area, shall be submitted to the relevant competent authority as determined by section 24C of the National Environmental Management Act and identical copies of such application and all supporting documentation shall simultaneously be submitted to the management authority for consideration.
- (6) In instances where an environmental authorisation to undertake a development has been granted in terms of the National Environmental Management Act a person shall forthwith provide the management authority with a copy of such environmental authorisation.

## **9 MANAGEMENT OF THE SOIL AND SUBSTRATE OF THE CORE CONSERVATION AREA**

- (1) Despite any other applicable legislation, no person may, in the core conservation area, except with the prior written authorisation of the management authority:
  - (a) remove any sand, soil or rock;
  - (b) dredge or pump any sand, soil or rock;
  - (c) In any manner deposit, dump or throw sand, soil or rock or other material of any kind.
- (2) The management authority may on such conditions as it may deem expedient, and subject to the payment of such fees as the management authority may decide, authorise the uses in subregulation 1:

## 10 USE OF BIOLOGICAL RESOURCES IN THE CORE CONSERVATION AREA

- (1) Despite any other legislation and except for such authorisation granted in terms of the management plan to owners of property situated in the protected environment, no person may in the core conservation area, except with the prior written authorisation of the management authority and subject to the provisions of the management plan for the protected environment, and payment of the applicable application fee, catch, collect or in any other way use biological resources occurring in this area.
- (2) In granting any authorisation, the management authority must inter alia:
  - (a) demarcate any area it deems fit within the core conservation area in which the use of the biological resources is granted;
  - (b) indicate the period for which the authorisation contemplated on subregulation (1) is granted;
  - (c) determine the limits to the use of the biological resources in order to ensure sustainable use of biological resources;
  - (d) ensure that the biological resource use is not in conflict with the purpose for which the protected environment was established;
  - (e) ensure that the biological resource use does not negatively impact any ecosystem occurring in the core conservation area.
- (3) The management authority must demarcate the areas of the core conservation area contemplated in subregulation (2)(a) in a manner it deems fit.
- (4) The holder of an authorisation contemplated in subregulation (1), may not allow, permit or cause any environmental damage, not otherwise normally associated with the sustainable use of the biological resource, in respect of which the authorisation has been granted.
- (5) The management authority may, with immediate effect, cancel an authorisation granted in terms of subregulation (1) in respect of a demarcated area or part thereof, if:
  - (a) biological resource use results in environmental damage, not otherwise normally associated with sustainable use of that biological resource;
  - (b) the holder of the authorisation fails to comply with the conditions of such authorisation;
  - (c) the management authority in its sole discretion deems it to be reasonable and necessary for the protection of the biological resource in respect of which the right has been granted.

**11 MONITORING OF USE OF BIOLOGICAL RESOURCES IN THE CORE CONSERVATION AREA**

- (1) The management authority must before the end of June of each year submit a return or returns to the Minister in respect of the use of biological resources occurring in the core conservation area for the preceding financial year detailing:
- (a) the number of authorisations granted or entered into in respect of the use of biological resources;
  - (b) a description of the biological resources used;
  - (c) the quantities of biological resources harvested;
  - (d) the income generated by the harvesting of biological resources; and
  - (e) the conservation status of the biological resources being exploited.

**12 PROTECTION OF BIOLOGICAL RESOURCES IN THE CORE CONSERVATION AREA**

- (1) Despite any other legislation and except for such authorisation granted in terms of the management plan to owners of property situated in the protected environment, no person shall without the prior written authorisation of the management authority, in the core conservation area:
- (a) introduce any species or specimen or part thereof;
  - (b) intentionally or negligently disturb any protected species;
  - (c) intentionally disturb or damage any biological resource or ecosystem or component part of any biological resource or ecosystem which occurs in the core conservation area;
  - (d) feed any protected species;
  - (e) remove any wood, guano or other material;
  - (f) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood or firewood;
  - (g) harm or cause death to any individual or population of any protected species;
  - (h) undertake, support or participate in a restricted activity.
- (2) For the purposes of subregulation 13(1)(h) a restricted activity means:
- (a) in relation to a protected species or a specimen of a protected species:
    - (i) hunting, catching, capturing or killing any living protected species or a specimen of a protected species by any means, method or device whatsoever, including searching,

- pursuing, driving, lying in wait, luring, luring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such species or specimen;
  - (ii) gathering, collecting or plucking any protected species or specimen of a protected species;
  - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any protected species or specimen of a protected species;
  - (iv) possessing or exercising physical control over any protected species or specimen of a protected species;
  - (v) growing, breeding or in any other way propagating any protected species or specimen of a protected species, or causing it to multiply;
  - (vi) conveying, moving or otherwise translocating any specimen of a protected species or a specimen of a protected species;
  - (vii) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any protected species or a specimen of a protected species; or
  - (viii) luring or baiting a protected species or a specimen of a protected species;
  - (ix) take, damage or destroy any egg or nest of any bird or take any honey from a beehive or remove or damage a beehive;
  - (x) conducting any other activity as may be prohibited by the management authority which involves a protected species or a specimen of a protected species;
- (b) in relation to an alien species or an invasive species or a specimen of such an alien species or invasive species:
  - (i) importing into the core conservation area any alien or invasive species or a specimen of an alien or invasive species;
  - (ii) possessing or exercising physical control over any alien or invasive species or specimen of an alien or invasive species;
  - (iii) growing, breeding or in any other way propagating any alien or invasive species or a specimen of an alien or invasive species, or causing it to multiply;
  - (iv) conveying, moving or otherwise translocating any alien or invasive species or a specimen of an alien or invasive species; and

- (v) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any alien or invasive species or any specimen of an alien or invasive species; and
  - (vi) conducting any other activity as may be prohibited by the management authority which involves an alien or invasive species or a specimen of an alien or invasive species.
- (3) Notwithstanding the provisions of subregulation (1) and (2), where an application for a permit to conduct an activity in the core conservation area also qualifies as a restricted activity as defined under the Biodiversity Act, such application to the management authority must be accompanied by a copy of the application to be submitted in terms of Chapter 7 of the Biodiversity Act together with all the supporting documentation required in terms of the Biodiversity Act, for consideration by the management authority.
- (4) The management authority may request additional information from an applicant in order to consider an application for authorisation in terms of these regulations.
- (5) In instances where a permit has been granted in terms of the Biodiversity Act a person must forthwith provide the management authority with a copy of such permit.

### **13 BIOPROSPECTING IN THE CORE CONSERVATION AREA**

- (1) Notwithstanding any other legislation and except for such authorisation granted in terms of the management plan to owners of property situated in the protected environment, no person may undertake any form of bioprospecting in the protected environment in respect of any indigenous biological resources occurring in or emanating from the core conservation area without the prior written authorisation of the management authority issued subject to such conditions and against payment of a fee as determined by the management authority.
- (2) Notwithstanding the provisions of subregulation 1, an application for a permit to be submitted in terms of Chapter 7 of the Biodiversity Act to undertake bioprospecting, must be submitted to the relevant issuing authority and an identical copy of the application and all supporting documentation required in terms of the Biodiversity Act must simultaneously be submitted to the management authority for consideration.



- (3) The management authority may request additional Information from an applicant in order to consider an application for authorisation in terms of these regulations.
- (4) In instances where a permit has been granted in terms of the Biodiversity Act a person must forthwith provide the management authority with a copy of such permit.

#### **14 USE AND PROTECTION OF WATER RESOURCES IN THE CORE CONSERVATION AREA**

- (1) An application for a water use licence in terms of the National Water Act before the proposed water use may be undertaken in or in respect of water resources occurring wholly or partially in the core conservation area, must be submitted to the relevant authorising authority and identical copies of such application and all supporting documentation shall simultaneously be submitted to the management authority for consideration.
- (2) In instances where a water use licence to undertake the water use from a water resource has been granted in terms of the National Water Act a person must forthwith provide the management authority with a copy of such licence.

#### **15 MANAGEMENT OF LITTER, WASTE AND POLLUTION IN THE CORE CONSERVATION AREA**

- (1) No person shall pollute the environment of the core conservation area or cause the environment of such area to be polluted.
- (2) No person shall in the core conservation area:
  - (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material;
  - (b) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing;
  - (c) deposit or leave any offal, dead species or specimen;
  - (d) deposit any domestic garbage;

#### **16 LOCATION OF FRENCH DRAINS AND PIT LATRINES IN THE CORE CONSERVATION AREA**

- (1) Despite any other legislation, no person shall without the prior written authorisation of the management authority, within the core conservation area, erect or in any way alter, extend or enlarge any french drain system or pit latrine, or replace it with another french drain system or pit latrine.

- (2) Any person who requires approval in terms of subregulation (1) shall apply for such approval in writing and the application shall be accompanied by the site plan of the property on which the situation of the proposed french drain or pit latrine and the direct distance of the french drain or pit latrine from the nearest point of the water area or a water resource as the case may be is indicated.
- (3) The management authority may, upon receipt of an application for authorisation in terms of subregulation (1) indicate in writing that a strategic or environmental impact assessment must be undertaken and indicate the nature and extent of a strategic or environmental impact assessment required in order to enable the management authority to assess the impacts associated with the proposed location of the trench drains and pit latrines.
- (4) The management authority may request additional information from an applicant in order to consider an application for authorisation in terms of these regulations.
- (5) In instances where authorisation has been granted by the local authority a person must forthwith provide the management authority with a copy of such authorisation.

**17 LOCATION AND DEVELOPMENT OF HOLIDAY RESORTS, CARAVAN PARKS, CAMPING AND PICNIC SITES IN THE CORE CONSERVATION AREA**

- (1) In instances where environmental authorisation to undertake a development involving the location and development of holiday resorts, caravan parks, camping and picnic sites in the core conservation area has been granted in terms of the National Environmental Management Act, a person shall forthwith provide the management authority with a copy of such authorisation.

**18 DAMAGING OR INTERFERENCE WITH PROPERTY OF THE MANAGEMENT AUTHORITY**

- (1) No person may, tamper or interfere with *any* vehicle, vessel, dredging apparatus or any other implement which is the property of the management authority, or may put it into operation or damage it or may climb on it without the written authorisation of an authorised officer or employee of the management authority.
- (2) No person may damage, tamper with, change, remove, dispose of or interfere with or misuse any building, convenience shelter, changing-room, pier, landing stage, raft, buoy, floating jetty or other facility provided or erected by the management authority in the protected environment or may

damage or use it in conflict with or fail to comply with the directions of any notice affixed to any such building, structure or facility in the protected environment.

- (3) No person, except a person authorised thereto by the management authority, shall move, deface or otherwise interfere with or tamper with a notice or other sign—board affixed to or placed in the protected environment by the management authority in terms of these regulations.

#### **19 GRAZING IN THE CORE CONSERVATION AREA**

- (1) No person, except owners of property situated in the protected environment duly authorised thereto in terms of the management plan, may allow any species or specimen to graze or browse in core conservation area, or allow such species or specimens to enter the core conservation area without the written authorization of the management authority.
- (2) The written authorisation contemplated in sub – regulation (1) must stipulate the area of the core conservation area which may be used for the grazing of animals, the numbers of animals permitted to graze, as well as any other conditions attached thereto.
- (3) An authorised person may impound any livestock trespassing in the core conservation area into impoundment and such livestock shall not be released from such impoundment except on payment, by the person requesting such release, of the amount as determined from time to time by the management authority.
- (4) No person may remove any species or specimen which is impounded, as contemplated in sub – regulation (3), from the place of impoundment unless the amount payable for the release of such species or specimen, as contemplated in sub – regulation (3), has been paid.

#### **20 RESTRICTION RELATING TO PETS IN THE CORE CONSERVATION AREA**

- (1) No person may, except on conditions determined by a management authority from time to time, allow any dog, cat or other pet belonging to or under the care of that person to enter and remain in or enter or remain in the core conservation area.

- (2) Any dog, cat or other pet contemplated in sub – regulation (1) which is found inside the restricted area referred to in sub – regulation (1) and which is not in the care of any person, may either be caught and removed to a pound or destroyed at the discretion of the management authority.
- (3) Any dog, cat or other pet suspected of hunting or in pursuit of any animal in the core conservation area may be impounded or destroyed at the discretion of the management authority during or after such act.

## **21 GENERAL**

- (1) No person may use or cause others to use the water area, or any vessel or vehicle or facility or equipment or apparatus in or on the water area, in any manner or in any circumstances in which the management authority in its discretion deems that such use causes or is likely to cause pollution in the water area, is or will be of a nuisance to others, is or with pose a danger, harm or a safety risk to others or to the environment or to any biological resource in the water area.
- (2) No person may hinder, trouble or obstruct any authorised official or employee of the management authority or any person to whom the duty is entrusted to ensure that these regulations are complied with, in the execution of his or her duties, or shall violate or refuse or fail to obey or to comply with any prohibition, request or instruction imposed by the regulations or by any authorised person.
- (3) Any person who contravenes the provisions of subregulation (1) or (2) and any vessel or vehicle or facility or equipment or apparatus used in the course of such breach may forthwith be removed from the water area by any authorised official or employee of the management authority or enforcement officer.
- (4) The provisions of these regulations in regard to the equipment and the use of vessels are not be applicable to any vessel used by order of the management authority for the purpose of enforcing these regulations, or to perform any work, duty or power in terms of the Act, provided that such vessel must display signage identifying the vessel to be the property of the management authority and may not be controlled or driven in a manner which endangers the safety of others or other vessels.

## 22 INSTRUCTION NOTICES

- (1) If any activity that requires an authorisation by the management authority in terms of these regulations, is undertaken in the core conservation area by a person without a written authorisation being issued by the management authority or in conflict with the conditions laid down by the management authority in such authorisation, the management authority may issue an Instruction Notice, after consultation with the affected person concerned, directing such person to immediately terminate such an activity and to rehabilitate the environmental impacts associated with the unlawful commencement or conduct of such an activity.
- (2) An authorised official may, upon a reasonable suspicion that a person is acting in contravention of the Act or these regulations or any other legislation concerned with the management, protection and conservation of biological resources occurring in the core conservation area, issue an Instruction Notice, instructing such a person to immediately terminate the alleged unlawful conduct and to remove any vehicle, vessel or other object used or operated in connection with such conduct from the area in which the alleged unlawful conduct is being effected, to an area to be identified or specified by the authorised official, pending notification to the relevant competent authority of the alleged unlawful conduct and corrective action being taken by such competent authority.
- (3) Failure by a person to comply with an Instruction Notice issued in terms of subregulation 1 and 2, may result in the management authority taking the necessary steps to demolish or remove a structure, vessel, vehicle or other object as the case may be and to rehabilitate the environmental impacts associated with the unlawful commencement of the activity and to recover the costs thereof from the relevant person.

## 23 OFFENCES AND PENALTIES

- (1) Any person who:
  - (a) contravenes or fails to comply with provisions of these regulations;
  - (b) fails to comply with any notice, or other document issued or displayed in terms of these regulations;
  - (c) fails to comply with any Instruction Notice given in terms these regulations;
  - (d) fails to comply with any condition stated in any authorisation issued in terms of these regulations; or
  - (e) obstructs or hinders any authorised official in the execution of his or her duties under these regulations,

is guilty of an offence.

- (2) Any person who fails to comply with an Instruction Notice or any other notice lawfully issued by the management authority and in so doing:
  - (a) hinders, troubles, intimidates, or obstructs the management authority or an authorised official in the execution of its or his or her duties or the performance of its or his or her functions under these regulations; or
  - (b) violates, refuses or fails to obey or comply with any prohibition, request or instruction imposed by these regulations or by the management authority or authorised official is guilty of an offence.
- (3) A person convicted of an offence in terms of subregulation (1) or (2) is liable on conviction to:
  - (a) imprisonment for a period not exceeding five years;
  - (b) an appropriate fine; and
  - (c) both a fine and such imprisonment.
- (4) If any person is found guilty of an offence under these regulations an authorised official may, in addition to any further action that may be taken, and/or penalty that may be imposed, withdraw any permission or permit or authorisation granted in terms of these regulations, and where relevant request such person to leave the core conservation area, whereupon that person must leave the core conservation area within a fixed time and by the shortest route.
- (5) Where any person is requested to leave, as contemplated in subregulation (4), the holder of any authorisation, must on demand, hand over the authorisation to the authorised official concerned, who must withdraw the authorisation and record the place and date of such withdrawal by endorsement on the said documents.
- (6) All monies already paid to the management authority by the person contemplated in subregulation (5) in relation to the authorisation, shall be forfeited to the management authority on withdrawal of the authorisation/permission contemplated in subregulation (5).

#### **Short title**

24. These Regulations may be cited as the Nuwejaars Wetland Protected Environment Regulations, 2011.