

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1157

03 NOVEMBER 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)**

**NORMS AND STANDARDS FOR THE INCLUSION OF PRIVATE NATURE RESERVES IN
THE REGISTER OF PROTECTED AREAS OF SOUTH AFRICA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby, under section 11 read with section 10(2) of the National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003), set norms and standards for the inclusion of private nature reserves in the register of protected areas of South Africa in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE**TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION, PURPOSE AND APPLICATION**

1. Definitions
2. Purpose of the norms and standards
3. Application of these norms and standards
4. Legislative framework
5. Guiding principles

CHAPTER 2**THE PROCESS TO VERIFY THE EXISTANCE OF A PRIVATE NATURE RESERVE**

6. The verification process
7. Proof of declaration
8. Compliance with the requirements of the Act

CHAPTER 3**NORMS FOR THE DESIGNATION OF PRIVATE NATURE RESERVES**

9. Designation of private nature reserve

CHAPTER 4**MANAGEMENT OF PRIVATE NATURE RESERVES**

10. Ecological integrity maintained
11. Subdivision of land
12. Adequate control

CHAPTER 5**REPORTING**

13. Management authorities
14. Provincial nature conservation authorities
15. Inclusion of private nature reserves into the South African Protected Areas Register

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION

1. Definitions

Any word or expression to which a meaning has been assigned in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), has the meaning so assigned and, unless the context otherwise indicates;

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

"Development" means a 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 a nature reserve 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.

"extensive wildlife system" means a system that is large enough and suitable for the management of self-sustaining wildlife populations in a natural environment with minimal human intervention in the form of—

- (a) the provision of water;
- (b) the supplementation of food, except in times of drought;
- (c) the control of parasites; or
- (d) the provision of health care.

"private nature reserve" means a nature reserve —

- a) which is in communal ownership or privately owned by a single land owner or multiple land owners,
- b) that has been declared, or regarded as having been declared, in terms of section 12, 23 (3) and 23(5) of the Act as a nature reserve; and
- c) that is designated as a private nature reserve in terms of section 25 of the Act.

"share-block" means an area that is leased within a private nature reserve and not freehold property, since the property is either registered in the name of, or leased by the land-owner.

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

"the Register" means the Register of Protected Areas developed in terms of section 10 of the Act.

2. Purpose of the norms and standards

The purpose of these norms and standards is to—

- (1) verify the existence of private nature reserves in practices, not only in name;
- (2) provide for the recognition of the private nature reserves as bona fide protected areas in terms of the Act;
- (3) secure the continued integrity of private nature reserves as natural areas supporting South Africa's biological diversity and its landscapes through their management; and
- (4) ensure that only verified private nature reserves are included into the National Protected Areas Register and into the Protected Areas Database.

3. Application of these norms and standards

These norms and standards apply to—

- (1) land regarded as a nature reserve for the purposes of the Act in terms of section 12 or having been declared as such in terms of section 23(5); or
- (2) all private land declared as nature reserves in terms of section 23(3) of the Act.

4. Legislative framework

- (1) The Minister may, in terms of section 11 of the Act, prescribe norms and standards for any of the objectives of the Act, including the management and development of protected areas as well as indicators to measure compliance with those norms and standards.
- (2) The Minister is required, in terms of section 10 of the Act, to maintain a Register containing a list of all protected areas, indicating the kind of protected area in each case, and any other information determined by the Minister.
- (3) The MEC must, in terms of section 27 of the Act, promptly forward to the Minister, a copy of each notice published under section 23, 24 or 25 of the Act.
- (4) The Register is subject to the requirements of the South African Statistical Quality Assessment Framework.

- (5) The Department is registered as the custodian of the South African Protected Areas Database by the Committee for Spatial Information, mandated in terms of the Spatial Data Infrastructure Act, 2003 (Act No.54 of 2003).
- (6) The Register is a legally recognized database on protected areas for South Africa in terms of section 10 of the Act.
- (7) The inclusion of private nature reserves into this database is integral to the maintenance of the Register.
- (8) The inclusion of private nature reserves in the Register, is with particular reference to the objective of the Act as set out in section 2(d) –
“to provide for a diverse and representative network of protected areas on state land, private land, communal land and marine waters”;
- (9) A private nature reserve that fails to comply with these norms and standards may be removed from the Register of Protected Areas by the Minister, after the declaration has been withdrawn in terms of section 24(2) of the Act.

5. Guiding principles

- (1) The purposes of areas declared as protected areas are set out in section 17 of the Act. This provides the guiding principles for these norms and standards, namely—
 - a) *to protect ecologically viable areas representative of South Africa’s biological diversity and its natural landscapes and seascapes in a system of protected areas;*
 - b) *to preserve the ecological integrity of those areas;*
 - c) *to conserve biodiversity in those areas;*
 - d) *to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;*
 - e) *to protect South Africa’s threatened or rare species;*
 - f) *to protect an area which is vulnerable or ecologically sensitive;*
 - g) *to assist in ensuring the sustained supply of environmental goods and services;*
 - h) *to provide for the sustainable use of natural and biological resources;*
 - i) *to create or augment destinations for nature-based tourism;*
 - j) *to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;*
 - k) *generally, to contribute to human, social, cultural, spiritual and economic development; or*

- l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species*
- (2) The rights of landowners of private nature reserves include—
- a) the right to their property which is protected under section 25 of the Constitution of the Republic of South Africa, 1996;
 - b) the right to the lawful use of existing private property;
- (3) The obligation of landowners of private nature reserves include—
- a) the obligation not to undertake actions which will compromise the integrity of the private nature reserve, and such actions must be in accordance to a management plan;
 - b) the obligation to ensure that reasonable measures are taken to prevent environmental degradation from occurring, continuing or recurring on their property;
 - c) the obligation to ensure that any developmental activity be subject to the relevant policies, legislation and in accordance with the management plan;
 - c) the responsibility for the maintenance of developmental activities on their property in the long term; and
 - d) the obligation to cooperate with the relevant organ of state in an open and transparent manner.
- (4) All affected parties have an obligation to cooperate with each other in good faith and mutual understanding and seek consensus to ensure the private nature reserve is declared and is managed in accordance to a management plan.
- (5) The management authorities must have an action plan with specified timeframes to implement corrective measures, when the private nature reserve is not in compliance with these norms and standards.
- (6) Where there is significant degradation or changes to the attributes of a site that are irremediable the Minister or MEC may withdraw the status of the private nature reserve in terms of section 24(1) or (2) of the Act.

CHAPTER 2

THE PROCESS TO VERIFY THE EXISTENCE OF A PRIVATE NATURE RESERVE

6. The verification process

- (1) A nature reserves declared in terms of section 23 of the Act, may be designated as a private nature reserve.
- (2) A nature reserve will be designated as a private nature reserve when—

- a) proof of declaration in terms of the Act is provided, and
- b) there is compliance with the provisions of the Act.

7. Proof of declaration

A copy of a notice of declaration of a nature reserve in respect of private land published in the *Gazette* by the MEC must be submitted by the MEC to the Minister as contemplated in section 27 of the Act. This will include—

- a) gazette number, and the date of publication;
- b) empowering provision of the Act, in terms of which the notice of declaration is published;
- c) name of the area;
- d) description of the area;
- e) survey diagramme; and
- f) endorsed title deed.

8. Compliance with the requirements of the Act

- (1) The MEC must inform the Minister in writing of the agreements which are in place with the landowners, in terms of section 23(3) of the Act.
- (2) A management authority for the management of private nature reserve must be assigned as contemplated in section 38(3) of the Act.
- (3) The management authority must have submitted a management plan to the Minister or MEC for approval, in terms of section 39 of the Act.

CHAPTER 3

NORMS FOR THE DESIGNATION OF PRIVATE NATURE RESERVES

9. Designation of Private Nature Reserves

- (1) The Minister or MEC may designate a nature reserves in private ownership as private nature reserves in terms of section 25 of the Act, for the purpose of inclusion into the National Protected Areas Register and into the Protected Areas Database.
- (2) The MEC must inform the Minister of the designation done in terms of paragraph (1).
- (3) The private nature reserve must comply with the requirements of section 23(2) of the Act.
- (4) The MEC must have declared the nature reserve and the process to verify its existence must be undertaken as set out in Chapter 2 of these norms and standards.

- (5) A private nature reserve must be privately owned, it may be owned by a single owner, a juristic person or jointly by a group of owners, such as a company or a community;
- (6) A private nature reserve may consist of a single property or several properties managed according to a single management plan;
- (7) When a private nature reserve is an entity constituted from different properties of—
 - a) associated landowners, a Constitution or other legal means of verification indicating the collaborative intention will be a requirement; or
 - b) community owned land, a Trust, Community Property Association or any other legally recognised constituted entity is to be established.
- (8) The designation must be considered if the area—
 - a) promotes and preserves specific ecological processes, natural systems, natural beauty, or indigenous wildlife species;
 - b) protects biological diversity in general;
 - c) creates or augment destination for nature-based tourism;
 - d) contributes to human, social, cultural, spiritual, and economic development where feasible;
 - e) is developed and managed in the interest of conservation, education and sustained resource utilization; or
 - f) is an extensive wildlife system.
- (9) There is no prescribed minimum size for a private nature reserve, but the size of the area should be in accordance with the purpose and objectives of the private nature reserve.
- (10) The private nature reserve may be a contiguous area and not fragmented into separate isolated areas.

CHAPTER 4

THE MANAGEMENT OF A PRIVATE NATURE RESERVE

10. Ecological integrity maintained

- (1) A private nature reserve must be managed for the purpose for which it was declared as required in terms of section 40(1)(a) of the Act.
- (2) A remote sensing review should be done using the latest Land Cover Database or platforms such as Google earth to ensure that—
 - a) no destruction or transformation of habitat has taken place;
 - b) no new crops have been planted replacing natural habitat; or

- c) housing and tourism based development complies with the management plan and zonation plan of the private nature reserve.
- (3) The provincial organ of state responsible for nature conservation will conduct site visits to–
- a) verify the remote sensing assessment;
 - b) verify the implementation of the management plan as submitted, particularly the programme to remove alien and Invasive species in terms of section 41 of the Act and section 76 of the Biodiversity Act;
 - c) ensure that there is no introduction of species that were not naturally occurring or previously found within the reserve;
 - d) ensure that the reserve is not used for stud breeding especially in feedlots or controlled camps of indigenous species and of colour variants of indigenous species; and
 - e) ensure that there is minimal management interference, especially with regard to supplementary feeding that should be seen as the exception, and not a norm.

11. Subdivision of land

The management authority must ensure that–

- a) the subdivision of land is only permitted if it does not conflict with the purpose and objectives the private nature reserve, and as addressed in the management plan approved by the MEC.
- b) an area that is subdivided and is inconsistent with paragraph (a) is excised from the nature reserve.
- c) share-blocks are shown in the management plan and their development footprint is restricted.

12. Adequate control

- (1) Access to a private nature reserve will be controlled by the assigned management authority.
- (2) The private nature reserve must be secured in law, its boundaries must be well demarcated and publically known, and must be in accordance with the purpose and objectives of the area and its management plan.
- (3) The type of fencing used on the perimeter of the area or within the area may be determined by the provincial conservation authority in terms of its legal requirements.
- (4) All consumptive and non-consumptive uses of biodiversity on a private nature reserves

should be in line with scientifically based conservation management objectives and practices, as outlined in the management plan of the area.

- (5) A management authority of a private nature reserve–
- a) Is responsible for the management, control and maintenance of the area in terms of section 40(1) of the Act.
 - b) must work in cooperation with state and within the limits of the law.

CHAPTER 4

REPORTING

13. Management authorities

The management authority is responsible for the submission of plans required in terms of the Act and the Biodiversity Act, and reports required in terms of these norms and standards and this include but not limited to–

- a) a management plan, and the following which must be submitted as part of a management plan–
 - (i) biodiversity or species management plans;
 - (ii) alien and invasive species eradication plan; and
 - (ii) the Zonation Plan.
- b) a report to the MEC on progress towards meeting these norms and standards, which may include progress towards implementing the corrective measures indicated in paragraph 3(5), where necessary.

14. Provincial nature conservation authorities

The provincial nature conservation authorities must submit a list of verified private nature reserves to the Minister one month after the end of each financial year.

15. Inclusion of private nature reserves into the South African Protected Areas Register

The Minister will include a verified list of private nature reserves in the database of protected areas and the Register.