

"specimen" means—

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which—
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

"stormwater system" means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

"vehicle" means anything defined as a motor vehicle in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996); or any conveyance designed or adapted principally to travel on wheels or tracks.

"vessel" means a power boat, electrical boat, boat, sail boat, windsurf board, surf kite and any manner of canoe or paddle boat, including any flotation device that can be stood on, sat on or in, irrespective of whether it is powered by mechanical, electrical or manual means;

"water area" means the water and the bed of any tidal lagoon, natural lake, tidal river, river or stream, dam, impoundment or wetland or any part thereof, situated within a nature reserve, and includes the water and the land between the lowest line and the highest line to which the water-level of such a tidal lagoon, natural lake, tidal river, river or stream, dam, impoundment or wetland or any part thereof may recede or rise at any time;

"written authorisation" means written consent issued by an authorised official of the City in terms of this by-law, and includes any permit issued in terms of Section 15(1) or identification card issued in terms of Section 5 (5).

2. Application

This By-law applies to any area which is –

- a) proclaimed or recognised as a protected area in terms of the Act;
- b) managed as a nature area with an in perpetuity agreement with the landowner and registered against the title deeds; or
- c) land acquired by the City for the express purposes of nature conservation and where such intent is adopted through a Council resolution.

CHAPTER 2

POWERS AND RESPONSIBILITIES OF THE CITY

3. Functions

The City may in managing the nature reserve –

- (1) manage breeding and cultivation programmes, and reserve areas in a nature reserve as breeding places and nurseries;
- (2) sell, exchange or donate any animal, plant or other organism occurring in a nature reserve or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to re-introduce into a specific nature reserve;
- (3) undertake and promote research;
- (4) control, remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in a nature reserve or that may negatively impact on the biodiversity of the nature reserve;
- (5) carry out any development and construct or erect any infrastructure necessary for the management of a nature reserve, subject to an

environmental authorisation in terms of Section 24 of National Environmental Management Act, 1998 (Act No. 107 of 1998), applicable by-laws and the management plan;

(6) allow visitors to a nature reserve;

(7) take reasonable steps to ensure the security and well-being of visitors and staff;

(8) provide accommodation and facilities for visitors and staff, including the provision of food and household supplies;

(9) carry on any business or trade or provide other services for the convenience of visitors and staff, including the sale of liquor subject to applicable laws ;

(10) authorise any person, subject to such conditions as it may determine, to—

(i) carry on any business or trade, or provide any service, which the management authority may carry on or provide in terms of this section; and

(ii) provide the infrastructure for such business, trade or service;

(11) by agreement with

(i) other City Departments, provide any service in a nature reserve for the management of the nature reserve which the City may be mandated to provide in terms of legislation; or

(ii) any other organ of state, perform a function in a nature reserve which that organ of state may perform in terms of legislation; or

(12) issue Notices in terms of section 6;

4. Commercial, community and visitor activities

(1) The City may, in terms of the management plan, set aside a part of a nature reserve, as an area in which a particular activity may be undertaken by visitors to the nature reserve, communities or interest groups and must display a notice in which such area is described at the entrance to the nature reserve: Provided that the activity does not compromise the purpose for which the nature reserve was established.

(2) The City may, in consultation with user groups, develop codes of conduct for specific activities authorised within a nature reserve.

5. Safety Officers

- (1) Any recognised organisation, club or representative body that has an interest in any nature reserve may nominate persons to the Protected Area Advisory Committee, or the reserve manager, for consideration as safety officers.
- (2) A Protected Area Advisory Committee may nominate safety officers to the City for a relevant nature reserve.
- (3) The City may appoint safety officers for a nature reserve and set in writing any prerequisites, terms, conditions or restrictions on any such appointments.
- (4) The City must inform the Protected Area Advisory Committee of any safety officers that it appoints.
- (5) The City must issue any duly appointed safety officer with a written authorisation and an identification card.
- (6) The safety officer must when performing any responsibility with regards to this by-law have in his/her possession their identification card or written authorisation.
- (7) The safety officer may issue verbal or written instructions to visitors relating to compliance with this by-law in terms of the conditions of their written authorisation.
- (8) The safety officer may make written recommendations to the designated management authority regarding compliance with this by-law by user groups and visitors for further action and enforcement.
- (9) The City may, upon recommendation by the relevant Protected Area Advisory Committee or of its own accord, cancel the appointment of any safety officer.

6. Notices

- (1) In relation to a nature reserve, the City may from time to time and by means of a Notice displayed at the entrance to or at, other relevant places of a nature reserve—
 - (a) set aside any land or water area;
 - (b) designate any land or water area as a recreational area;
 - (c) designate any land or water area for any purpose other than recreation;

(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.

(2) A Notice may impose conditions in relation to the participation in or undertaking of any activity in a nature reserve and the City may vary or revoke a Notice at any time by a subsequent Notice.

(3) The City may prescribe symbols or pictograms to be used on public notice boards and these shall have the meaning prescribed in the list of approved pictograms.

(4) The City may erect public notice boards within or near the nature reserve to notify interested and affected parties of permissible activities and prohibitions in terms of this By-law.

(5) In addition, the City may:-

(a) publish or broadcast the notice in a manner that is reasonably likely to bring it to the attention of interested and affected persons;

(b) distribute copies of the notice to persons owning or occupying land in the vicinity of the affected nature reserve; or

(c) use public meetings, protected area advisory committee meetings or other means of bringing information to the attention of interested and affected persons.

7. Recreational areas inside Nature Reserves

(1) The City may within a recreational area display any notice required under this by-law.

(2) In relation to recreational areas, the City may prominently display a notice at an entrance to a recreational area indicating -

(a) the opening and closing times of that recreational area; and

(b) any rules made by the management authority in relation to that recreational area.

CHAPTER 3

THE USE OF BIOLOGICAL RESOURCES IN NATURE RESERVES

8. Use of biological resources

The City may, upon application and subject to the provisions of a management plan, by means of the granting of a non-transferable written authorisation or the entering into of a written agreement, with the conditions it deems necessary, grant to any person the right to the sustainable, monitored use of identified biological resources in a nature reserve.

9. Community based natural resource utilization

The City may upon application and subject to the provisions of a management plan, by means of the granting of a written authorisation or the entering into of a written agreement, and on the conditions it deems necessary, grant to any local community the right to the sustainable, monitored use of identified biological resources in a nature reserve.

10. Authorisation for use of biological resources

(1) A written authorisation or written agreement contemplated in sections 8 or 9, must—

- a) not be in conflict with the purpose for which a nature reserve was established;
- b) define the land or water area within which the use of the biological resources is granted;
- c) indicate the period for which the right contemplated in sections 8 and 9 is granted; and
- d) determine the limits to the use of the biological resources.

(2) The City must demarcate the land or water area contemplated in subsection (1)(b) in a manner it deems fit.

(3) An authorisation granted in terms of sections 8 or 9 may not interfere with the exercise of any authorisation which has been granted to another person in respect of the area contemplated in sub regulation (1)(b).

(4) An authorisation granted in terms of sections 8 or 9 must include a stipulated notice period for cancellation of the right or amendment of the conditions granting the right.

(5) The City may cancel an authorisation granted in terms of sections 8 or 9 in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the City.

(6) The City may cancel an authorisation granted in terms of sections 8 or 9 if the conditions set by the City are not complied with by the relevant person or local community or the resource or any other component of the nature reserve is threatened.

(7) An authorised official may instruct a holder of an authorisation contemplated in sections 8 or 9 to cease all activities immediately and take any action if the aforementioned holder of the written authorisation is found or deemed, to be in contravention of any conditions stipulated in the written authorisation.

(8) An authorised official may at any time cancel or suspend such authorisation contemplated in sections 8 & 9 in the event of an emergency, disaster, threat to life or safety, threat to the environment, or in any circumstance where the authorised official deems the ongoing activity to be detrimental in any way to the nature reserve.

CHAPTER 4

ACCESS TO NATURE RESERVES

11. Access to nature reserve by user of biological resources

(1) The holder of a written authorisation granted in terms of sections 8 or 9 above may, subject to any condition contained in a written authorisation, use a road, or path, identified by the City, for the reasonable exercise of a written authorisation to use biological resources: Provided that -

- (a) the City may close any access road or limit the use thereof for management purposes;
- (b) if a holder of a written authorisation fails to remove or repair any obstruction on an access road caused as a result of the exercise of a written authorisation, the City may undertake such removal or repair and recover the cost in this regard from the holder of the written authorisation;
- (c) the City may impose restrictions on the type of vehicle, machinery or equipment which is permitted on an access road in order to prevent any environmental or other damage;
- (d) the holder of a written authorisation must keep every access road used, reasonable wear excluded, in a good driving condition; and
- (e) a holder of a written authorisation may not create or construct any new access road for the removal of biological resources or for any other reason, without the written authorisation of the City.

12. Admission

(1) A person who has been granted entry into a nature reserve may be allowed admission only to a specific area and at designated times as determined by the City.

(2) The City may close a nature reserve or any part of a nature reserve-

(a) if, in the City's opinion-

(i) the closure is necessary or desirable for the proper management of the nature reserve;

(ii) the closure is necessary for the City to perform any of its functions in terms of the Act or this by-law; or

(iii) the safety of persons may be compromised;

(b) if a fire-ban is in force in an area that includes all or part of the nature reserve;

(c) if the risk of uncontrolled fire in the nature reserve is, in the City's opinion, extreme;

(d) if the City's staff necessary to patrol or secure the nature reserve are unavailable; or

(e) if, in the City's opinion, it is in the interest of public safety to close the nature reserve.

(3) No person may, without the written authorisation of the City, enter or remain in a nature reserve, or part thereof, that has been closed in terms of subsection (2).

13. Entrance and accommodation in a nature reserve

Any person entering or staying in a nature reserve is subject to conditions of entry set by the City.

14. Points of entry and exit

(1) No person may, other than in open access areas of a nature reserve, or subject to the provisions of section 11, enter or leave a nature reserve at any place other than through the designated points of entry or exit, without the written authorisation of the City.

(2) Where a public road, pathway, cycle path, or railway line passes through a nature reserve-

(a) no written authorisation is required by a person to pass through the nature reserve on such public road, pathway, cycle path, or railway line to a destination outside the nature reserve in question; and

(b) no person may -

(i) leave such public road, pathway, cycle path, or railway line ;

(ii) Enter into a nature reserve from such public road, pathway, cycle path, or railway line other than in compliance with section 12(1).

(3) No person may fly an aircraft at a height below 1500ft above ground level without the written authorisation from the City.

(4) No person may land, or attempt to land, an aircraft in a nature reserve without the prior written authorisation from the City.

(5) No person may fly a remotely piloted aircraft system (RPAS) over a nature reserve or land such RPAS in a nature reserve without the written authorisation from the City.

(6) Subsection (4) does not apply-

(a) in the case of an emergency; or

(b) to a person acting on the instructions of an authorised official.

(7) An aircraft performing an emergency landing as per subsection (6)(a) above, must report such emergency landing and the nature thereof to the City before the aircraft

is removed from the nature reserve and to the reserve manager, or his nominee, within a reasonable time, depending on the nature of the emergency.

15. Proof of entry

(1) Where a written authorisation, or entry permit, is required for entry to a nature reserve, a person who enters the nature reserve in a vehicle or on foot, must ensure that the written authorisation or entry permit is in his or her possession, and available for inspection at all times until he or she leaves the nature reserve.

(2) Where a written authorisation is issued for overnighting in a nature reserve, the written authorisation must be displayed at all times in the vehicle in accordance with subsection (3) while he or she is overnighting in or near the vehicle.

(3) For purposes of this By-law a written authorisation contemplated in subsection (2) is displayed in a vehicle only if-

- (a) the written authorisation is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
- (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a) the written authorisation displayed in a permanent position in or on the vehicle, so that the written authorisation is facing outwards from the vehicle and can be easily seen and read by a person outside the vehicle.

16. Safe entering

No person may enter or take a vehicle or vessel into a nature reserve, onto a place, road, river or water area in an unsafe, reckless or negligent manner.

17. Staying overnight

(1) No person may stay overnight in a nature reserve-

- (a) without the written authorisation of the City;
- (b) without having first reported to the nature reserve reception office in a nature reserve or to an authorised person assigned by the City to perform escort duty;

- (c) where no accommodation has been reserved or is available for that person;
- (d) on a houseboat or any vessel without the written authorisation of the City; or
- (e) at any place other than a place designated for such activity by the City.

(2) No person may, without the written authorisation of the City contemplated in subsection (1), overnight in a nature reserve except in an area set aside by the City for that purpose.

18. Times of entry and travel

- (1) Nature reserves are open from sunrise to sunset, unless indicated otherwise by means of a notice at designated points of entry and at open access areas.
- (2) No person may, without the written authorisation of the City, enter, leave or travel in a nature reserve at any time other than the times determined by the City, except in open access areas.

CHAPTER 5

RESTRICTED ACTIVITIES

19. Activities which may have an adverse effect in a nature reserve

- (1) No person may without the written authority of the City in a nature reserve-
- (a) introduce any specimen, or part thereof to a nature reserve;
 - (b) convey, move or otherwise translocate any specimen in a nature reserve;
 - (c) intentionally disturb any species or specimen in a nature reserve;
 - (d) feed any species or specimen in a nature reserve;
 - (e) use any recording of any species or specimen or the imagery or scent of a species or specimen to attract animals in a nature reserve;
 - (f) lure, bait or attract by any means or for any purpose or intention any species or specimen in a nature reserve;

(g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood in a nature reserve;

(h) hunt, capture or kill any living animal by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or projectile or injuring with intent to hunt, catch, capture or kill any such animal in a nature reserve;

(i) gather, collect or pluck any specimen in a nature reserve;

(j) pick parts of, or cut, chop off, uproot, damage or destroy, any specimen in a nature reserve;

(k) possess or exercise physical control over any specimen in a nature reserve;

(l) grow, breed or in any other way propagate any specimen or cause it to multiply in a nature reserve;

(m) sell or otherwise trade in, buy, receive, give, donate or accept as a gift, or in any way acquire or dispose of any specimen in a nature reserve; or

(n) angle, attempt to angle, catch or attempt to catch fish in a nature reserve other than in an area designated for such purpose.

(2) Sub-section (19)(n) does not apply to the use of bait or lures for the purpose of angling where such activity is permitted in a nature reserve.

(3) No person within a nature reserve may-

(a) intentionally or negligently cause pollution;

(b) deface cultural heritage resources; or

(c) harm, or cause death to any individual specimen or population of any species without the prior written authorisation of the City.

(4) No person may, other than with prior written authorisation of the City and subject to the management plan and NEMA regulations, open or close the mouth of a tidal lagoon or tidal river within a nature reserve.

(5) No person may, within a nature reserve place, throw, dump, or let out any refuse, rubbish, used containers, effluent, toilet waste, or any objectionable material in areas other than those designated fit for this purpose by the City.

20. Specified activities

(1) No person may undertake any of the following activities in a nature reserve except pursuant to a written authorisation of the City and in accordance with an approved management plan or environmental management plan for the specified activity:

- (a) the filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device, including trail cams;
- (b) the conducting of tours;
- (c) the conducting of any kind of competition;
- (d) the selling or hiring of goods or the offering of goods for sale or hire;
- (e) the provision of , or the offering to provide, any service for a fee or reward;
- (f) any activity of any kind for the purpose of fund raising, personal gain, making a profit, or advertising;
- (g) any organised special event, including sporting or cultural events;
- (h) visual imaging of animals for any virtual hunting or other such activity; or
- (i) conducting any type of training, exercises or simulations.

21. Research and monitoring

(1) No person may in a nature reserve, without written authorisation of the City, carry out scientific or general research or undertake monitoring projects.

(2) Any person undertaking scientific or general research or monitoring projects in a nature reserve must—

- (a) submit a research proposal to the City;
- (b) be in possession of all required permits and authorisations in terms of any other law;
- (c) comply with all specified conditions in the written authorisation;
- (d) submit all data and information gathered, to the City, in a format determined and at stages of the project specified by the City; and
- (e) submit copies of all reports and findings to the City upon completion.