



# INFORMATION DOCUMENT

## Development of Norms and/or Standards for the Recreational Use of Off-road Vehicles in Sensitive Inland Areas

16 March 2011

### Background

In 2005 the Minister of Environmental Affairs and Tourism called for owners and users of inland 4x4 recreational driving tracks to move towards better-regulated and more equitable practices in respect of their activities in South Africa's inland environment. Users and owners of these tracks were told unequivocally at the time that regulations similar in nature to those imposed on off-road vehicle activities on beaches would be unilaterally issued by government for sensitive inland areas if a suitable form of regulation could not be found and implemented for the off-road industry.

The Off-Road Vehicle community responded through the establishment of the National Off-Road Workgroup ("NOW"), an industry representative Section 21 Company, in October 2005.

#### The NOW comprises the following individual associations:

- 4 Wheel-Drive Guides Association of South Africa (**4WDGA**);
- Association of All-Wheel Drive Clubs of Southern Africa (**AAWDC**);
- Association of Motorcycle Importers and Distributors (**AMID**);
- National Association of Automobile Manufacturers of South Africa (**NAAMSA**);
- South African Off-road Trainer Association (**SANOTA**);
- South African Route Owners and Operators Forum (**SAROOF**); and
- South African Vehicle Renting and Leasing Association (**SAVRALA**).

#### The key objectives of the NOW are:

1. To minimise environmental impacts and ensure environmental sustainability;
2. To stimulate off-road eco/ responsible /sustainable tourism;
3. To increase the socio-economic benefits generated by off-road activity including the upliftment of communities impacted by the sector;
4. To create appropriate linkages between and within the sector and government;
5. To achieve the strategy through co-regulation within an appropriate legal framework.

NOW appointed consultants to draft a **Strategy towards the Co-regulation of the National Off-Road Sector in South Africa** in 2008. This Strategy was approved by the Minister in May 2009, who then mandated the NOW to develop an implementation framework for the strategy. A key outcome of the strategy was the development, drafting and implementation of National Norms and/or Standards, with a supportive enabling legislative framework, to facilitate environmental compliance, responsible tourism and long-term sustainability of the off-road industry. Copies of the Strategy for co-regulation for the National Off-Road Sector in South Africa can be downloaded from the web at the following address: [www.anchorenvironmental.co.za](http://www.anchorenvironmental.co.za) (Documents download page) or are available on request from Anchor Environmental Consultants (contact details below).

Anchor Environmental Consultants (Anchor), an independent consulting firm based in Cape Town, was appointed by NOW in conjunction with Department of Environmental Affairs (DEA) to develop the required norms and/or standards as envisioned in the Strategy for Co-regulation for the National Off-Road Sector in South Africa.



### **What are norms and/or standards?**

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Norms and/or standards are essentially an alternative regulatory method for controlling environmental impacts and can be used instead of or in conjunction with EIA processes with which developers are probably more familiar. Unlike guidelines, norms and/or standards comprise of rules with which compliance is mandatory, and for which users and owners of off-road tracks are required to assume responsibility for adherence and for providing proof of such adherence.

The norms and/or standards for the national off-road sector will be drafted in terms of the National Environmental Management Biodiversity Act 10 of 2004 (NEMBA) which allows the Minister, by notice in the Gazette, to issue norms and standards to achieve any objectives of NEMBA, including the restriction

of activities which impact on South Africa's biological diversity and its components.

### **What will the norms and/or standards be applicable to?**

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The Norms and Standards will be applicable to the recreational use of all off-road vehicles (2x4s, 4x4s, quad bikes and off-road motorcycles) in inland "sensitive areas" defined in terms of the National Environmental Management Act 107 of 1998 (NEMA). These sensitive areas are currently in the process of being mapped by a specialist team for the Department of Environmental Affairs and are due to be published in 2011.

### **Process to be followed for the development of the Norms & Standards**

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The work plan put forward by Anchor involves a two phased process. The first phase is the development of draft Norms and Standards which will be submitted to DEA for publication in the Government Gazette. This phase commenced in March 2011 and will continue up until 22 July 2011. The second phase is the finalisation of the Norms and Standards which will follow once the Draft Norms and Standards have been published in the Gazette.

During Phase One, the development phase, Anchor will be consulting with the off-road industry and government, through a Steering Committee, and with a broader stakeholder group via email and two workshops. There will be two comment periods for stakeholders during the development phase. The details and dates for the comment periods are provided in the table below.

Tasks and Phases	Dates
The <b>first stakeholder comment period</b> is essentially an information sharing process during which interested and affected parties can make inputs towards the development of the Norms and/or Standards and can raise any concerns they have regarding this process. Anchor will then prepare a draft of the Norms and/or Standards taking account of existing guidelines produced for the off-road industry and inputs from government, industry and the broader stakeholder group.	16 March to 15 April 2011
A <b>draft of the National Norms and/or Standards will be sent to stakeholders</b> registered with Anchor Environmental, through electronic media (email and websites). Stakeholders will be able to comment for 30 days.	27 May to 27 June 2011
The Draft National Norms and/or Standards will be presented and discussed in two <b>stakeholder workshops</b> in Johannesburg/Pretoria and Cape Town.	9 June (Cape Town) 14 June (Gauteng)
The Draft National Norms and/or Standards will be submitted to NOW and the Department of Environmental Affairs for publication in the <b>Government Gazette</b> during which a further <b>30 day period for comments</b> will be allowed.	22 July 2011

### Contents of norms and/or standards

The Norms and Standards will contain, as a minimum, the following:

#### Trails and Tracks

- EIA-type specifications to be followed for the establishment of all trails and tracks
- Environmental management plans (EMPs) for all trail and track operations (EMP template included in Annexure 1)
- Environmental auditing of trail and tracks (Auditing template included in Annexure 2)
- Accreditation and training of off-road environmental assessors
- Access control requirements for driver and rider competency
- Trail and track safety and rescue services

#### Trail User Specifications

- Driver competency requirement to access sensitive areas
- Unacceptable driver and rider behaviour for all areas
- Guiding competency requirement to access sensitive areas
- Unacceptable off-road guide behaviour for all areas

#### Administrative Matters

- Specification of the regulatory function of the industry association and its structures

#### Compliance and Enforcement

- Offences and penalties
- Law Enforcement
- Co-operation with authorised officers
- Presumptions

#### Miscellaneous Matters

- Transitional provisions

### How can you contribute or be informed?

To register as a stakeholder in this process or to comment on the matter please send an email with your name, organisation/association and contact details to Anchor at [info@anchorenvironmental.co.za](mailto:info@anchorenvironmental.co.za) or alternatively contact Anchor on 021 701 3420.