**Rusape Town Council (Permits for Certain Activities on Council Land) Bylaws, 2023**

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*Title*

1. These By- Laws may be cited as the “Rusape Town Council Permits for Certain Activities on Council Land By-Laws”

*Application*

1. These By- laws shall apply to all land within the jurisdiction of Rusape Town Council

*Interpretation of Terms*

1. In these by-laws—

**“specified business”** means (a) hunting of game; or the picking of wild flowers; or the taking of bees or honey; or the making of bricks; or quarrying of stones; or the cutting of firewood , brushwood or grass

 “**Agency**” means the Environmental Management Agency or the public organisation responsible for managing the environment

“**Council**” means the Rusape Town Council

“**Council area**” means the area for which the council has been established or under its jurisdiction;

 “**environment**” means—

 (a) the natural and manmade resources, including but not limited to water, soil, minerals and living organisms, whether indigenous or exotic and the interaction between them;

 (b) Ecosystems, habitats, spatial surroundings or other constituent parts, whether natural or modified or constructed by people and communities;

“**environmental action plan**” means an environmental action plan prepared by Rusape Town Council for the area under its jurisdiction in terms of Section 95 of the

Environmental Management Act (*Chapter 20:27*)

“**environment committee**” means an environment committee of the council as appointed in terms section 96 (iv) of the Urban Councils Act [*Chapter 29:15*];

“**environmental impact assessment**” means an evaluation of a project to determine its impact on the environment, human health and community livelihoods whose specific requirements and procedures are set out in terms of Section 97 of the Environmental Management Act (*Chapter 20:27*) as read with Section 8 – 13 of the Environmental Impact Assessment& Ecosystems Protection Regulations, 2007 (*SI 7/2007*).

“**environmental impact assessment report**” means a report on an environmental impact assessment produced by the developer of a project in terms of section 97 of the Environmental Management Act (Chapter 20:27);

 “**environmental impact assessment certificate**” means a certificate issued by the Director- General of the Environmental Management Agency for a particular project in terms of Section 97 of the Environmental Management Act;

**‘environmental rehabilitation fund’** monies reserved by Council for the rehabilitation of sites exposed to natural resources extraction.

**“Specified business operator”** means any one conducting specified business in the council area in terms of part 18 of the Third Schedule of the Urban Councils Act, Chapter 29:15

**“Timber logging” the cutting down of trees for sale as timber or pulp.**

**‘Permit’** means a legal document issuedby Councilauthorising a person to carry out specified business operations.

 “**vegetation**” includes any tree, shrub, fern, flower, grass, creeper, crop or any other plant or organic matter or any part thereof, whether dead or alive.

***Permit Application Procedure***

 4(i) Any person intending to carry out any specified business which include extraction of gravel ,river sand, pit sand ,stones ,pebbles, slates, clay ,lime and other activity as defined in these by-laws in the Council area shall lodge an application for a Permit to Council accompanied with an application fee as per Council budget.

 (ii), The Council may approve or disapprove and shall notify the applicant in writing of the outcome within a period of thirty days taking into account the provisions of the Public Health Act Chapter 15:17, the Environmental Management Act Chapter 20:27, Regional Town and Country Planning Act Chapter 29:12, other Council by-laws and statutes of the Country.

 (iii)The Council may issue a permit to successful applicants subject to meeting set conditions and upon payment of the permit fee as per Council budget.

 **Environmental Rehabilitation Fund**

5(i)Council shall establish an Environmental Rehabilitation Fund into which any person who undertakes any resource extraction project with the effect of causing environmental degradation will contribute a fee as per Council budget.

***Collection or removal of gravel, stones, sand or pit sand, slates, pebbles, clay, lime***

6 (i)Subject to the provisions of these by-laws Council shall designate borrow pits from which all permit holders shall extract or excavate gravel ,pebbles ,pit sand clay or lime from 0730 hours to 1630 hours.

1. Any person who intends to extract sand, stones, pit sand, slate, pebbles, clay and gravel on his land or on Council land for commercial purposes shall apply to Council stating the details of the excavation works to be conducted and submit an environmental rehabilitation plan to Council, which shall also be forwarded to the Environmental Management Agency for consideration before any extraction or excavation is done in terms of Section 3 (3) of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007

 (iii) Any who person excavate, remove, possess or use sand, stones , pit sand, slate, gravel, pebbles, and clay for commercial purposes without a permit from Council and furnishing Council with a license obtained from the Environmental Management Agency issued in terms of Section 3 of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007 shall be guilty of any offence and liable to a penalty as per Council budget.

 **Environmental impact assessment**

7 (i) Specified Business Operators in the council area shall be required to conduct an environmental impact assessment as is required in terms of Section 97 and the First Schedule of the Environmental Management Act (Chapter 20:27) at their own expense subject to the following conditions;

1. submit to Council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and proof of their registration with the Environmental Management Agency;
2. Submit to Council approved copy of the Environmental Management Prospectus.
3. Consult Council during the consultation process leading to the development of an environmental impact assessment;
4. Involve Council in organising public consultations meetings in the area regarding the proposed development project;
5. Pay a fee as per Council budget to cover costs incurred by Council during the EIA consultation and review of EIA document;

2) Any person who contravenes provisions of this section shall be guilty of an offence and shall be liable to pay a penalty as per Council budget.

**8. Environmental rehabilitation works on abandonment of projects**

(1) Any permit holder who undertakes any mining projects, resource extraction projects or any other projects for commercial exploitation of natural resources with the effect of causing environmental damage or environmental degradation or harm in the council area shall;

1. submit to Council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project.
2. rehabilitate the environment before abandonment or closure of the project

(2) Council shall monitor the implementation of rehabilitation plans of projects with assistance from the Environmental Management Agency

(3) Any person who fails to rehabilitate the environment after abandonment or closure of the project shall be guilty of an offence and liable to a penalty as per Council budget.

*Transporters in specified business*

9 (a)Any transporter who wishes to provide transport services in specified business shall lodge an application accompanied with an application fee to Council as per Council budget.

(b) Subject to the provisions of subsection (a) above Council may issue a permit to the applicant upon payment of a permit application fee as per Council budget.

 (c) All specified business transporters shall be expected to park at designated parking places

(d) Any transport operator or user who shall be found transporting or extraction of river sand, pit sand, pebbles slates and or lime without the requisite documents shall have his transport impounded by council and liable to a penalty as per Council budget.

(e) Council shall confiscate loads of river sand, pit sand, aggregate and concrete stones or stone products from transporters who fail to produce written authority from council or proof of payment of council levies.

(f) Council shall confiscate loads of river sand, pit sand, aggregate and concrete stones or stone products from stand owners who fail to produce written authority from council or proof of purchase from registered transporters and dealers.

*Commercial Timber Logging*

10. (i) Council shall designate areas for timber logging in collaboration with the Forestry Commission and in compliance with the requirements of the Forest Act (*Chapter 19:05*)

 (ii) All Persons wishing to carry out commercial timber logging in the Council area shall lodge an application to Council accompanied by an application fee as per Council budget.

(iii)Within a period of thirty days Council may issue a permit subject to payment of a permit fee as per Council budget.

(iv) Commercial timber logger shall provide Council with a reforestation plan.

 (v) Commercial timber logger shall be responsible for reclamation of loading sites

 (vi) Subject to the provisions of Section 57 and 58 of the Forest Act (*Chapter 19:05*) on conservation of timber resources and restrictions on the cutting and removal of indigenous trees shall apply *mutatis mutandis* to the Council area.

 (vii) Any person who conducts commercial timber logging in contravention to this section shall be guilty of an offence and shall be liable to a penalty as per Council budget.