

Schedule



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

GUIDELINES ON THE IMPLEMENTATION OF REGULATIONS PERTAINING TO THE
CONTROL OF VEHICLES IN THE COASTAL ZONE

03 DECEMBER 2004

CONTENTS

1.	Introduction	3
2.	Interpretation	4
3.	Permissible Uses	4
4.	Recreational Use Areas	7
5.	Permits	8
6.	Licences	16
7.	Exemptions	18
	Annexure 1: Permit Applications	19
	Annexure 2: Section 24(4) of NEMA	20
	Annexure 3: Licence Applications	21
	Annexure 4: Exemption Applications	22

TABLE OF ABBREVIATED FORMS

1	NEMA	The National Environmental Management Act of 1998 (available in full at www.deat.gov.za)
2	The DDG	The Deputy Director-General of Marine and Coastal Management
3.	The Department	The Department of Environmental Affairs and Tourism, Marine and Coastal Management.
4.	The Regulations	GN Regulation 1399 of 21 December 2001; also known as the off road vehicle Regulations (available in full at www.deat.gov.za).

1. Introduction

1.1 On 21 December 2001, the Minister of Environmental Affairs and Tourism (the Minister") published regulations prohibiting the use of vehicles in South Africa's coastal zone in GN Regulation **1399 - Control of Vehicles in the Coastal Zone** ("the Regulations"). In **2004**, the Minister amended the Regulations.

1.2 Prior to the introduction of these Regulations, the inadequate control of vehicle use in the coastal zone damaged coastal ecosystems, posed a threat to the safety of people enjoying coastal recreation and generally diminished the pleasure derived from passive forms of recreation in the coastal zone. The general purpose of the Regulations is to regulate the use of vehicles in the coastal zone to ensure that this use is both environmentally sustainable and in the public interest.

1.3 The Regulations have the following objectives:

- 1.3.1 generally to prohibit the use of vehicles in the coastal zone;
- 1.3.2 to identify vehicle uses in the coastal zone which are permissible (without any formal authorisations);
- 1.3.3 to authorise the use of vehicles in the coastal zone in certain circumstances and when the prescribed requirements have been complied with;
- 1.3.4 to provide for specific measures to enforce the Regulations; and
- 1.3.5 to prescribe penalties for contraventions of the Regulations.

1.4 These guidelines explain the how the Regulations will be implemented in respect of:

- 1.4.1 the permissible use of vehicles in the coastal zone;
- 1.4.2 the designation of recreational use areas;
- 1.4.3 vehicle use in the coastal zone under permit;
- 1.4.4 licences for boat launching site areas; and
- 1.4.5 exemptions.

2 Interpretation

- 2.1 The Regulations prohibit vehicle use in the coastal zone unless the use is a *permissible* use in terms of regulation 4, or authorised under regulation 6 (permit) or regulation 7 (boat launching site licence). The vehicle use may also be lawful if a permit, licence or exemption was issued in terms of the Regulation prior to having been amended.
- 2.2 The purpose of these guidelines is to guide the implementation of the Regulations and ensure consistency with the principles contained in the National Environmental Management Act, 107 of 1998 ("the NEMA"), The NEMA principles in particular will direct how these Regulations are implemented.
- 2.3 In order to facilitate the implementation of the Regulations and to inform decision-making, strategic environmental assessments of the coastal zone have been undertaken to identify:
- ❑ which environmentally sensitive areas must remain closed to vehicles;
 - ❑ how the integrity of coastal habitats which support coastal fauna and flora is to be sustained; and
 - ❑ where passive forms of recreation are usually enjoyed in the coastal zone.

3. Permissible Uses

- 3.1 Regulation 4 makes provision for the use of a vehicle in the coastal zone without a permit or any other formal type of authorisation in certain circumstances. Even though the uses below are permissible uses, the drivers of these vehicles must adhere to regulation 2, which prescribes a general *duty of care*:

'Every person who causes, has caused or may cause pollution or degradation of the environment by the use of a vehicle in the coastal zone must take reasonable measures to prevent such pollution or degradation from continuing, recurring or occurring or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment at that person's own cost'

In addition, the Department requires users (other than vehicle use in a licenced boat launching site, official state vehicle use and emergency vehicle use) to first inform the

Department of the intended vehicle use so that the Department may issue the user with vehicle markings.

Location	Authority	Contact Details
Marine and Coastal Management, Foretrust Building, Foreshore, Cape Town	The Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management	The Deputy Director: Integrated Coastal Management Email: vehicleuse@deat.gov.za Tel: 0861 123 626

3.2 Five categories of users are listed in regulation 4. These are:

3.2.1 the use by any person of any vehicle on certain specified roads or in certain specified areas, or for a purpose specified in regulation 4(a)(iv) (the use of a vehicle within an area defined as a "mining area") and (vi) (the use of vehicles in an emergency situation to safeguard human life or health, property or the environment). The use of a vehicle in an emergency situation in order to safeguard human life or health, property or any aspect of the environment, is not restricted to actual emergencies. Any person may use a vehicle in the coastal zone when harm to human life or health, property or any aspect of the environment is reasonably foreseeable.

The Department will require any such use to be reported to it. The report must state at a minimum the following:

- a The nature of the emergency situation;
- a The details of the location and access points used to the coastal zone;
- a The number and type of vehicles used; and
- Whether any harm was caused, and if so what remedial measures are intended or were taken.

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3.2.2 the use of any vehicle within a boat launching site, provided that the site is licensed in terms of regulation 7 and the vehicle is used for the purpose of launching a vessel. The site must be licenced and those using it for

launching vessels need to have a permit for using a vehicle in the coastal zone. Users should make sure that the site is properly licenced and must adhere to regulation 2, which requires the user to take all reasonable measures to ensure that harm or pollution is not caused to the coastal zone.

Vehicle use on private slipways is also considered a permissible use provided that the slipway was granted a lease in terms of the provisions of the Seashore Act of 1935.

3.2.3 the use by physically disabled persons of electrically propelled vehicles specifically designed and manufactured for physically disabled persons. Electrically motorised vehicles are substantially less powerful than conventional internal combustion vehicles and therefore less likely to cause significant harm to the coastal zone. Physically disabled and other persons may also use non-motorised vehicles in the coastal zone.

3.2.4 the use by an employee of any organ of state of any vehicle for the purposes of performing the public duties of that organ of state. Such use remains subject to the duty of care set out in regulation 2. The Department uses the definition of 'organ of state' which appears in section 239 of the Constitution of the Republic of South Africa, 108 of 1996. In terms of that definition, an organ of state means-

- (a) any department of state or administration in the national, provincial or local sphere of government; or
- (b) any other functionary or institution-
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation,

but does not include a court or a judicial officer;

3.2.5 the use of vehicles in the coastal zone or the launching of vessels from the coastal zone by the National Sea Rescue Institute or Lifesaving South Africa for the purposes of carrying on training exercises and other uses in the public interest. Accordingly, the members of the NSRI or Lifesaving South

Africa may conduct training activities using vehicles in and launching vessels from the coastal zone without having to apply for a permit or exemption.

4. Recreational Use Areas

- 4.1 The designation of a recreational use area is the function of the Deputy Director-General of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the DDG").
- 4.2 There are two ways in which an area may be designated a recreational use area. Firstly, the DDG may by notice designate an area of the coastal zone a recreational use area. Secondly, a manager of a coastal protected area or a local authority may apply to the DDG requesting that an area of the coastal zone under their authority or jurisdiction, respectively, should be designated a recreational use area. **There is no stipulated or prescribed application form.**
- 4.3 The purpose of having an area designated a recreational use area *is* to identify those coastal zones where vehicles may be *utilised under permit* to promote organised recreational sport fishing competitions sanctioned by the South African Shore Angling Association or to accommodate physically disabled persons. The Department remains opposed to leisure driving in the coastal zone.
- 4.4 Before designating recreational use areas, the DDG will consider the environmental and socio-economic implications of designating such areas. The Department will not designate recreational use areas to facilitate *leisure driving* in the coastal zone.
- 4.5 The Department's policy on designating coastal zones as recreational use areas is predicated upon five broad principles. The five principles include –
- The purpose of designating a coastal zone a recreational use area;
 - Empowerment initiatives;
 - Environmental sustainability and duty of care;
 - Rights of the public;
 - Enforcement.

- 4.6 **Purpose of designating a coastal zone a recreational use area.** The Department intends designating certain coastal zones as recreational use areas to promote organised recreational sport fishing competitions.
- 4.7 **Empowerment.** Local authorities and managers of coastal protected areas must **be** able to demonstrate that the designation of a coastal zone as a recreational use area will empower local communities and in particular historically disadvantaged communities, such as through employment initiatives and affirming local businesses, particularly those owned and managed by historically disadvantaged persons.
- 4.8 **Environmental sustainability and duty of care.** The designation of a coastal zone as a recreational use area must support the principles set out in section 2 (principles) of the National Environmental Management Act of 1998 ("NEMA"). The Department will at all times adhere to the precautionary management principle when determining whether it **is** appropriate for a coastal zone to be designated a recreational use area. **Of** further relevance are the steps **to be** taken by local authorities and managers of coastal protected areas in respect of ensuring that significant harm to the environment is not caused. However, where some harm to the environment is anticipated, it must be demonstrated how this harm will **be** avoided, alternatively minimised.
- 4.9 **Rights of public.** The designation of a coastal zone as a recreational use area must not seriously and adversely affect the rights of the public to beneficially utilise the coastal zone.
- 4.10 **Enforcement.** The Department will not designate recreational use areas, unless the authority seeking the designation clearly establishes that it is capable of enforcing the Regulations and implementing any conditions attached to the record of decision.

5. **Permits (See Annexure 1)**

- 5.1 The Department will only consider an application for a permit for use of a vehicle in the coastal zone for one of the following objectives:
- To carry on a non-recreational activity in terms of the Marine Living Resources Act;
 - To conduct scientific research;
 - To carry on a tourism business;
 - a** To access private property; or

- o To produce an advertisement, feature film, still photograph or television programme;
- o To transport a physically disabled person; or
- o To canyon an organised recreational sport fishing competition.

Permits will only be issued after careful consideration is given to the impacts of proposed vehicle use on the environment, the public interest and the public's enjoyment of the coastal zone. If considered necessary or appropriate to issue a permit, reasonable conditions will be imposed on the applicant to minimise possible negative impacts of vehicle use in the coastal zone and the public's enjoyment thereof. The Department may require an applicant to submit an environmental assessment in terms of NEMA in order to support its application if the proposed vehicle use has the potential to cause significant environmental impacts.

5.2 All applications for permits must be made to the DDG.

5.3 Specific criteria set out in the Regulations apply to each category of permit. Application fees must be paid in respect of some of the categories. A specific application form exists for each category of permit and **applications may only be made on these application forms**. Forms are available at the Department:

Location	Authority	Contact Details
Marine and Coastal Management, Foretrust Building, Foreshore, Cape Town	The Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management	The Deputy Director: Integrated Coastal Management Email: vehicleuse@deat.gov.za Tel: 0861 123 626 www.deat.gov.za

Vehicle use criteria: Commercial activity in terms of the Marine Living Resources Act

5.4 Persons who wish to apply for a permit to use a vehicle in the coastal zone to carry on a non-recreational activity in terms of the Marine Living Resources Act 18 of 1998 ("the MLRA") must pay an application fee, demonstrate that they satisfy certain requirements and provide certain information. Permits in terms of this criterion are intended to facilitate the effective and efficient utilisation of commercial fishing rights in the seaweed, beach seine and gillnet fisheries.

- o **Application fee:** The fee has been stipulated at **R500 (five hundred rand)** by the DDG and is payable in favour of the **Marine Living Resources Fund**.
- o **Substantive requirements:**

- (a) The purpose of the proposed vehicle use must be to enable the applicant to effectively utilise a fishing right, permit or exemption issued in terms of the **MLRA**. In other words, the applicant must show that without access to a vehicle in the coastal zone, harvesting the resource will not be economically viable or physically possible;
 - (b) The proposed vehicle use should not cause significant harm to the environment. Applicants have to demonstrate that the area of intended use does not contain sensitive areas such as estuaries, river mouths, or breeding areas for fauna or sensitive vegetation; and
 - (c) The proposed vehicle use must not pose a threat to the safety of members of the public who wish to use the coastal zone for bathing or other recreational reasons.
- o **Information required (this must be provided):**
 - (a) A copy of the applicant's right, permit or exemption granted in terms of the MLRA; and
 - (b) A detailed map of the area (1:50 000) with the area of intended use clearly indicated.
 - o **Duration of Permit:** A permit will generally be granted for the duration of the right, permit or exemption issued in terms of the MLRA. The permit may be transferred on application to the DDG.

Vehicle use criteria: Scientific research

5.5 Tertiary and recognised research institutions that are organs of state need not apply for a scientific research permit but must inform the Department as provided for under **paragraph 3.2.1**. Other persons who wish to apply for a permit to use a vehicle in the coastal zone to carry on scientific research must demonstrate that they satisfy certain substantive requirements and provide certain information.

- **Substantive requirements (these requirements must be satisfied):**
 - (a) The proposed vehicle use must be necessary for the scientific research to be carried out effectively;
 - (b) The proposed vehicle use must not cause significant harm to the environment; and
 - (c) The proposed vehicle use may not pose a threat to the safety of members of the public who wish to use the coastal zone for bathing or other recreational reasons.

- ❑ **Information required (this must be provided):**
 - (a) A detailed research proposal authorised by the sponsor of the scientific research must be provided; and
 - (b) A detailed map of the area (1:50 000) with the area of intended use clearly indicated.
- ❑ **Application fee:** There is no application fee.
- ❑ **Renewal of permit:** A permit granted for scientific research may **be** renewed by the DDG. The permit holder must satisfy the DDG that the **substantive requirements** remain satisfied. This may **be** done by way of a short affidavit.

Vehicle use criteria: Private property

5.6 Persons who wish to apply for a permit to use a vehicle in the coastal zone for the purposes of accessing private property must demonstrate that they satisfy certain substantive requirements and provide certain information. Permits may be issued for a specified period and will be for the property concerned and not for the owner of the property. Should the property be sold, the new owner need not apply for a permit unless it has expired.

- ❑ **Substantive requirements (these requirements must be satisfied):**
 - (a) Buildings or improvements on the property must have been lawfully constructed. Access will not **be** allowed to coastal private properties constructed in violation of any law;
 - (b) The person seeking access must have a legal right to access or use the private property;
 - (c) The person seeking vehicular access must demonstrate that no other reasonable alternative access route to the private property exists;
 - (d) The proposed vehicle use should not cause significant harm to the environment; and
 - (e) The proposed vehicle use must not pose a threat to the safety of members of the public who wish to use **the** coastal zone for bathing or other recreational reasons.
- ❑ **Information required (this must be provided):**
 - (a) Proof that the person applying has a clear legal right to access or use the private property concerned;
 - (b) A detailed map of the area (1:50 000) with the area of intended use clearly indicated.
- ❑ **Application fee:** There is no application fee.

- **Duration and renewal of permit:** A permit may be issued for a maximum of 60 months. A permit to access private property may be renewed by the DDG. The permit holder must satisfy the DDG that the **substantive requirements** remain satisfied. This may be done by way of a short affidavit.

Vehicle use criteria: Tourism business

5.7 Persons who wish to apply for a permit to use a vehicle in the coastal zone to carry on a tourism business must pay an application fee, satisfy certain substantive requirements and provide certain information:

- **Application fee;** The application fee stipulated by the DDG is **R6,500** (six thousand five hundred rand). The application fee is payable in favour of the **Marine Living Resources Fund**.
- **Substantive requirements (these requirements must be satisfied):**
 - (a) The applicant must comply with the requirements of section 24(4) of the National Environmental Management Act of 1998 (See Annexure 2);
 - (b) The proposed vehicle use should not cause significant harm to the environment; and
 - (c) The proposed vehicle use must not pose a threat to the safety members of the public who wish to use the coastal zone for bathing or other recreational reasons.
- **Information required (this must be provided):**
 - (a) A detailed map of the area (1:50 000) with the area of intended use, including the proposed tour route(s) clearly indicated;
 - (b) Photographs indicating key features of the proposed area of use and specifically sensitive areas;
 - (c) Copies of certificates or badges of registration and/or accreditation of the tourist guides; and
 - (d) All marketing material for the proposed tour.
- **Duration of Permit;** A permit may be issued for a maximum period of 60 months.
- **Renewal:** A permit to operate a vehicle in the coastal zone to operate a tourism business may be renewed by the DDG. A renewal fee is applicable and has been stipulated by the DDG to be **R1,000** (one thousand rand). The permit holder must satisfy the DDG that the **substantive requirements** remain satisfied. This may be done by way of a short affidavit.

Vehicle use criteria: Production of an advertisement, feature film, still photograph or television programme

5.8 Persons who wish to apply for a permit to use a vehicle in the coastal zone for the purposes of producing an advertisement feature film, still photograph or television programme must pay an application fee, satisfy certain substantive requirements and provide certain information. Permits issued will only be valid for specific shoots and will not be transferable. Permits will not be granted for the production of any material that depicts the use of a vehicle in the coastal zone, whether stationary or in motion.

- **Application fee:** The application fee stipulated by the DDG is **R5,000 (five thousand rand)**. The application fee is payable in favour of the **Marine Living Resources Fund**.
- **Substantive requirements (these requirements must be satisfied):**
 - (a) The proposed vehicle use should not cause significant harm to the environment; and
 - (b) The proposed vehicle use must not pose a threat to the safety of the members of the public who wish to use the coastal zone for bathing or other recreational reasons.
- **Information required (this must be provided):**
 - (a) A detailed description of the proposed production;
 - (b) An independent environmental report on the anticipated effects of the proposed vehicle use on the coastal zone; and
 - (c) A detailed map of the area (1:50 000) with the intended area of use clearly indicated.
- **Duration:** Permits **will not be** issued for periods in excess of 30 days. Permits may not be renewed and are not transferable.

Vehicle use criteria: Physically disabled persons

5.9 Physically disabled persons who wish to apply for a permit to use a vehicle in the coastal zone must pay an application fee, satisfy certain substantive requirements and provide the information below. It is the intention of the Department to facilitate responsible access to the coastal zone by physically disabled persons. Permits may be issued for more than one area if considered appropriate. The permit issued will be issued in the name of the applicant who will not be limited to a specific vehicle. The permit is intended to facilitate vehicular access to the coastal zone for the physically disabled person.

- ❑ **Application fee:** The application fee stipulated by the DDG is **R150** (five hundred rand). The application fee is payable in favour of the **Marine Living Resources Fund**.
- ❑ **Substantive requirements (these requirements must be satisfied):**
 - (a) The applicant must be a physically disabled person whose functional mobility prevents him or her from being able to walk on beach surfaces. Applicants are required to obtain written certification that they are physically disabled from the National Council for Persons with Physical Disabilities in South Africa. Its contact details are as follows and the Council has local area offices:



- (b) The proposed vehicle use should not cause significant harm to the environment; and
- (c) The proposed vehicle use must not pose a threat to the safety members of the public who wish to use the coastal zone for bathing or other recreational reasons.
- ❑ **Information required (this must be provided):**
 - (a) A written certification from the National Council for Persons with Physical Disabilities in South Africa confirming that the applicant is a physically disabled person;
- ❑ **Duration of Permit:** A permit may be issued for a maximum period of three years.
- ❑ **Renewal:** A permit for a physically disabled person may be renewed by the DDG at no fee. The permit holder must satisfy the DDG that the **substantive requirements** remain satisfied. This may be done by way of a short affidavit.

Vehicle use criteria: Organised Recreational Sport Fishing Competitions

- 5.10 The Department recognises that vehicles may be required to access certain parts of the coastal zone by national or provincial sport fishing organisations that organise national or provincial sport fishing competitions. The Department also recognises that certain scientific

research organisations rely on sport fishing competitions for fish data. The Department will accordingly consider granting permits authorising vehicle use in the coastal zone to transport participants participating in organised recreational sport fishing competitions held under the auspices of the South African Shore Angling Association.

- ❑ **Application fee:** The application fee stipulated by the DDG is **R200** (two hundred rand) per vehicle per organised recreational sport fishing competition. The application fee is payable in favour of the **Marine Living Resources Fund**.
- ❑ **Substantive requirements** (these **requirements must be satisfied**):
 - (a) The vehicle use must be necessary for the purpose of holding the organised national or provincial recreational sport fishing competition;
 - (b) The proposed vehicle use should not cause significant harm to the environment; and
 - (c) The proposed vehicle use must not pose a threat to the safety of the members of the public who wish to use the coastal zone for bathing or other recreational reasons.
- ❑ **Information required** (**this must be provided**):
 - (a) Proof that the fishing competition is sanctioned by a recognised national or provincial sport fishing organisation and **will be** held under the auspices of the South African Shore Angling Association;
 - (b) Whether the competition **will be** overseen by a scientific research or conservation body;
 - (c) A code of conduct or similar document issued **by** the organisers that regulates the use of vehicles by participants; and
 - (d) A detailed map of the area (1:50 000) with the intended area of use clearly indicated.
- ❑ **Duration:** Permits will not be issued for periods in excess of **12** months, provided that the permit shall only be issued for specified organised recreational sport fishing competitions. Permits are not transferable.
- ❑ **Renewal:** A permit for organised recreational sport fishing competitions **may be** renewed by the DDG against payment of a fee of R200 per vehicle. The permit holder must satisfy the DDG that the **substantive requirements** remain satisfied.

5.11 As a general rule vehicle use will not be permitted in areas considered sensitive or inappropriate, including:

- Beaches used by members of the public for passive forms of recreation such as bathing and strolling;
- Mangrove forests, wetlands, saltmarshes, estuaries, river mouths, or any other areas of fragile, rare, relict or vanishing vegetation;
- Beaches with unsuitable physical attributes or natural barriers such as steep gradients, rocky headlands, ledges, wave-cut rocky platforms;
- Areas providing habitat for sensitive species such as turtle nesting sites during nesting season (October-February), and bird roosting and nesting sites;
- Sites of cultural significance, including archeological and palaeontological sites, such as shell middens; and
- Protected areas such as coastal parks, coastal nature reserves and marine protected areas.

6. Licences (See Annexure 3)

- 6.1 Persons intending to operate a boat launching site **must** make application for a licence in terms of regulation 6 if the operator intends to use vehicles or allow their use by members of the public for the purposes of boat launching (or landing).
- 6.2 Operators are required to lodge separate applications for each boat launching site they wish to have licenced.
- 6.3 Applications **must** be made to the Park Manager where the launch site falls within the jurisdiction of a national park or an area determined to be of national or international significance such as a world heritage site. In all other circumstances, applications should be made to the provincial authority responsible for environmental affairs. Where the applicant is the Park Manager, then the application **must** be made to the DDG.
- 6.4 Licences will be issued for a maximum period of 5 years (60 months). An application fee of **R5000 (five thousand rand)** is applicable for each application made. Licences are renewable, subject to a renewal fee of **R1000 (one thousand rand)** being paid.
- 6.5 Applications for a boat launching site licence **may only be made on stipulated application forms**. These forms are available from the Park Manager concerned, the Department (where it has jurisdiction) or the respective provincial departments responsible for environmental affairs.

Location	Authority	Contact Details
Kwa-Zulu Natal	The Department of Agriculture and Environmental Affairs	The Coastal Management Office, Department of Agriculture and Environmental Affairs, Private Bag X9059, Pietermaritzburg, 3200 Tel: (033) 355-9100
Eastern Cape	The Department of Economic Affairs, Environment and Tourism	The Department of Economic Affairs, Environment and Tourism, Private Bag X0054, Bisho, 5605 Tel: (040) 609-3200
Western Cape	The Department of Environmental Affairs and Development Planning	The Department of Planning: Provincial Authority Western Cape, Private Bag X9083, Cape Town, 8000 Tel: (021) 483-3911
Northern Cape	The Department of Agriculture, Nature Conservation, Land Reform and Environmental Affairs	The Department of Agriculture, Nature Conservation, Land Reform and Environmental Affairs, Private Bag X6102, Kimberley, 8300 Tel: (053) 807-4800
Marine and Coastal Management, Foretrust Building, Foreshore, Cape Town	The Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management	The Deputy Director: Integrated Coastal Management Email: vehicleuse@deat.gov.za Tel: 0861 123 626 www.deat.gov.za

56 Persons wishing to launch boats from properly licenced boat launching site need not seek authorisation for their vehicle use *within* the area of the boat launching site. This type of vehicle use is a permissible use.

Criteria applicable to evaluating applications for boat launching site licences

Persons who wish to apply for a boat launch site licence must pay an application fee, satisfy certain substantive requirements and provide certain information.

- **Application fee:** An application fee of R5000 is applicable.
- **Substantive requirements (these must be satisfied):**
 - (a) The applicant must demonstrate that section 24(4) of NEMA has been fully complied with; and
 - (b) The applicant must demonstrate that the proposed boat launching site will not cause significant harm to the coastal zone.
- **Information required (this must be provided)**
 - (a) Applicants must submit an environmental management plan (EMP) to the relevant authority. The EMP must provide details in respect of:
 - measures adopted to minimise impacts associated with vehicle use in boat launching site;

- measures taken to control vehicle access to the boat launching site; .
 - how vehicle use will be regulated in the boat launching site, including safety measures applicable to other users of the coastal zone;;
 - measures taken to ensure compliance by vehicle users with general fishing permit conditions and the provisions of the MRLA; and
 - initiatives to be undertaken to ensure compliance and proper and reliable monitoring of the impacts on the environment.
- **Renewal:** A licence granted may be renewed by either the Park Manager or the applicable provincial authority. A renewal fee of **R1,000** is applicable for each site licenced in terms of regulation 7. The licence holder must satisfy the Park Manager or the applicable provincial authority that the **substantive requirements** remain satisfied. This may be done by way of a short affidavit.

7. Exemptions (See Annexure 4)

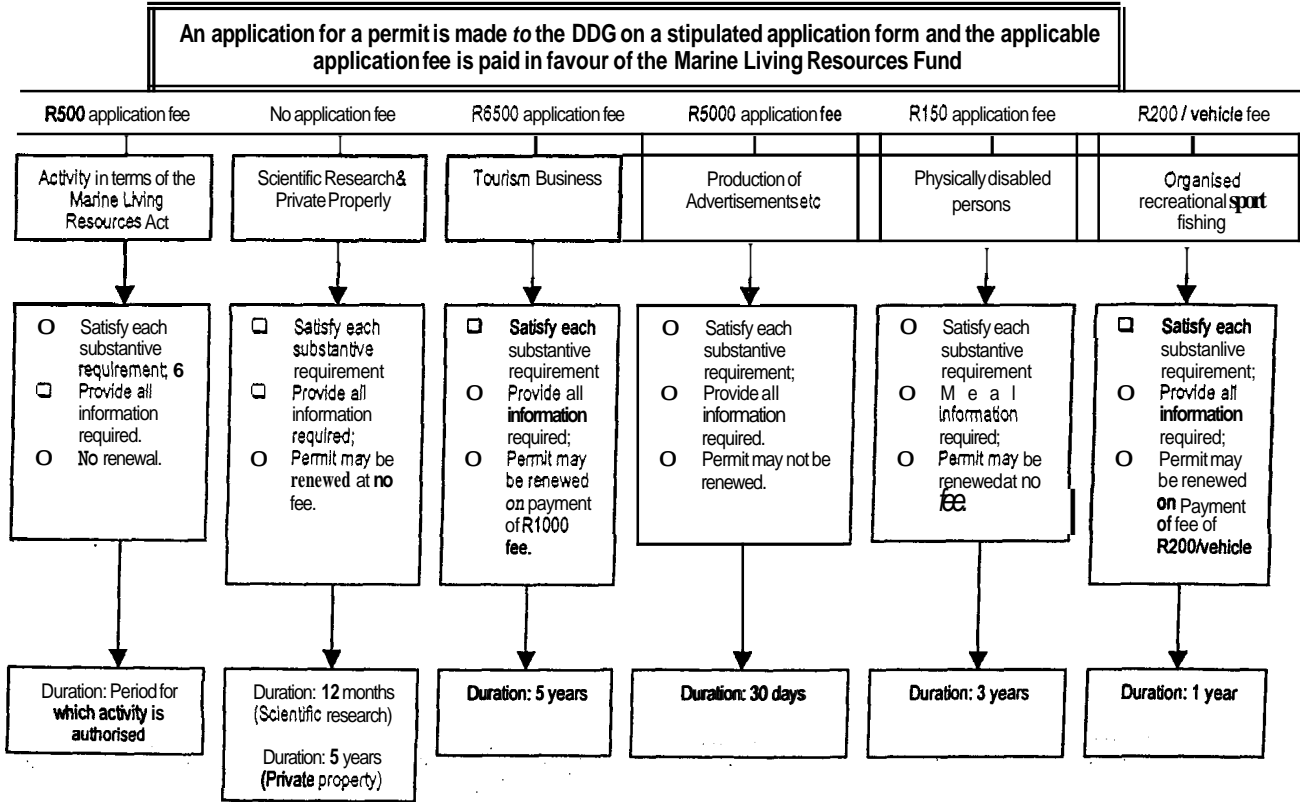
- 7.1 An application *for* an exemption in terms of regulation 20 is a request to the Minister of Environmental Affairs and Tourism to exempt the applicant from having to comply with the requirements of regulation 6, 7 or 8 of the Regulations.
- 7.2 An *Exemption application form* is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management.

Location	Authority	Contact Details
Marine and Coastal Management Foretrust Building, Foreshore, Cape Town	The Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management	The Deputy Director: Integrated Coastal Management Email: vehicleuse@deat.gov.za Tel: (021) 402-3911 www.deat.gov.za

- 7.3 There is no application fee for an exemption application.
- 7.4 An exemption application must contain sufficient information establishing that should **an** exemption **be** granted-
- Significant harm to the coastal zone will not be caused;

- The rights of the public to use and enjoy the coastal zone will not be affected;
and
- The vehicle use is in the public interest or in the interest of protecting the environment.

ANNEXURE 1
Permit Applications



ANNEXURE 2

Section 24(4) of NEMA

Compliance with section 24(4) requires, at a minimum:

- Investigation of the environment **likely** to be significantly affected by the proposed activity and alternatives thereto. The applicant must provide information regarding the **geographical** area affected by the application, the coastal features (e.g. dunes or inter-tidal zone) affected by the application and the fauna and flora affected by the application. The applicant must explain the purpose of the application and relate this **specifically** to the area affected, i.e. elaborate on why it is necessary for the application to be made in respect of the affected area or environment in preference to other areas or environments. Should any of the relevant environmental investigations be of a highly **complex** or technical nature, the applicant **may** be required to submit any aspect of its consultant's findings to an independent expert for **IECV**.
- Investigation of the potential impact of the activity and its **alternatives** on the **environment** and assessment of the significance of that **potential** impact. The applicant **must**, on the basis of information and data which are already available, clearly **indicate** the potential impact resulting from the application on coastal features, fauna and flora. Cumulative effects should also be investigated. This requires an investigation of secondary or indirect as **well as** primary or direct impacts. For example, vehicle use **has** direct physical impacts on the environment. Secondary impacts result if access results in an increase in fishing effort. The environmental and socio-economic impacts resulting from the application **must** be compared to the impacts which would result if the application were not to be made, and where relevant, to the impacts resulting from alternative activities.
- Investigation of mitigation measures to keep adverse impacts to a **minimum**, as well as the **option** of not implementing the activity. After identifying the potential impacts associated with the application, the applicant must specify **measures** for mitigating each impact. If it is not possible to mitigate certain impacts, the applicant must clearly indicate this. The applicant must also indicate the anticipated effectiveness of specific mitigation measures. The applicant **must** relate the environmental impacts mitigated by the introduction of requisite measures to the state of the environment which would result if the application were not to be made.
- Public information and **participation by all** interested and affected parties, including all applicable organs of state. The applicant must design an appropriate public information and participation process. The exact nature of each process should be **informed by**:
 - the **size** and type of area affected by the application (e.g. urban or rural area);
 - which communities are affected by the application; and
 - which **stakeholders** are affected by the application (e.g. tourism sector).

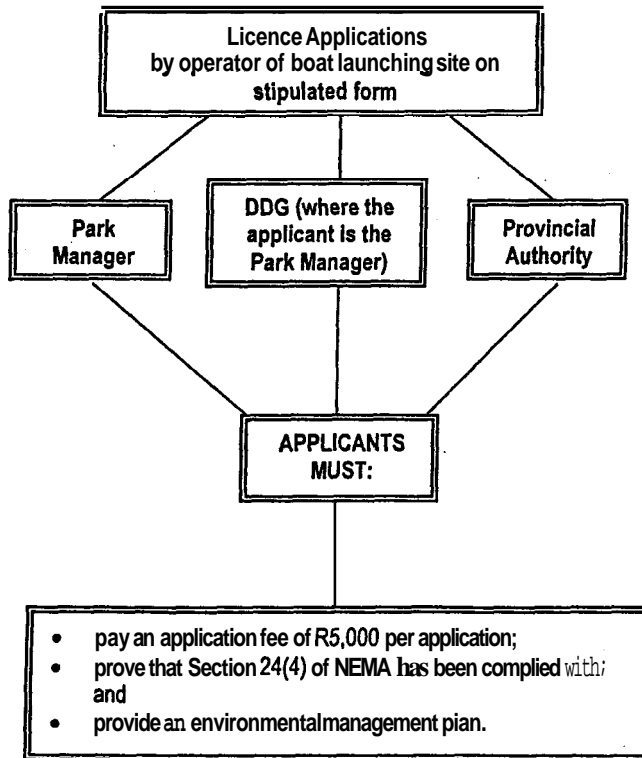
Independent **review** of the application **will** generally be the responsibility of the Department or the provincial environmental authority. The applicant is responsible for attempting to **resolve** conflicts between **different** sectors or interest groups affected by the application. Alternatively, should there be irreconcilable differences between such sectors or groups, the applicant must clearly **summarise** the positions of the various parties and make appropriate recommendations, taking **these** differences into account.

- Reporting on gaps in knowledge, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information. The applicant is responsible for **clearly indicating** the above in the application, regarded as **self explanatory**.
- Investigation and formulation of arrangements for the monitoring and management of impacts, and the assessment of the **effectiveness** of such arrangements after their implementation. Applications for recreational use areas and boat launching sites must be supported by an environmental management plan which **includes** details in respect of measures adopted to:
 - **mitigate** environmental impact associated with vehicle use;
 - regulate or control vehicle access and use in the affected recreational use area or boat launching site, including associated permit systems;
 - ensure vehicle users comply with control measures and permit conditions;
 - ensure that the environmental impacts of vehicle use are **monitored** in order to ensure that such use is environmentally sustainable.

The relevant authority or **authorities** are responsible for ensuring that the requirements of section 24 (g), (h) and (i) are complied with. These requirements are regarded as **self explanatory**.

ANNEXURE 3

Boat Launching Site Licence Applications



ANNEXURE 4
Exemptions Applications

