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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 1003

9 July 2003

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

DRAFT POLICY ON THE IMPLEMENTATION OF THE REGULATIONS THAT CONTROL VEHICLE USE IN THE COASTAL ZONE

The Department of Environmental Affairs and Tourism has released a draft policy on the implementation of the regulations that control vehicle use in the coastal zone.

Members of the public are hereby invited to comment on this policy. The Policy, together with annexures, is available at www.environment.gov.za

Hard copies are also available from –

- each of the four coastal provincial departments responsible for environmental affairs;
- the offices of Marine and Coastal Management in Cape Town; and
- at every Marine Inspectorate Office along the coast.

Comments must be submitted no later than 16h00 on 18 July 2003 and addressed to the Department of Environmental Affairs and Tourism, Attention: Mr S Moolla, Private Bag X2, Roggebaai, 8012 or fax number 021-4257324

For any further enquiries, please do not hesitate to contact Mr Shaun Schneier at tel: (021) 402-3024, fax: 402-3009 or e-mail: schneier@mcm.wcape.gov.za.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

**DRAFT POLICY ON THE IMPLEMENTATION OF REGULATIONS PERTAINING TO THE
CONTROL OF VEHICLES IN THE COASTAL ZONE**

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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").

1.2 The Regulations have the following objectives:

1.2.1 to prohibit the unregulated use of vehicles in the coastal zone;

1.2.2 to permit the use of vehicles in the coastal zone when the prescribed requirements have been complied with;

1.2.3 to provide for specific measures to enforce the Regulations; and

1.2.4 to prescribe penalties in respect of contraventions of the Regulations.

1.3 This document will provide specific policy, and where applicable, criteria pertaining to:

1.3.1 the permissible use of vehicles in the coastal zone;

1.3.2 recreational use areas and vehicle use in such areas;

1.3.3 vehicle use in the coastal zone under permit;

1.3.4 licences for boat launching site areas;

1.3.5 exemptions; and

1.3.6 compliance and enforcement.

1.4 In order to further facilitate the implementation of this policy and the Regulations, the Department of Environmental Affairs and Tourism and the provincial departments responsible for environmental affairs will carry out studies which inform the zoning of the coastline to ensure that:

- environmentally sensitive areas remain closed to vehicles;
- the integrity of coastal habitats which support coastal fauna and flora is sustained;
- areas where passive forms of recreation are enjoyed remain closed to vehicles; and
- certain beaches may be zoned for specified vehicle use.

2. Interpretation

- 2.1 The Regulations are premised on the basis that vehicle use in the coastal zone be prohibited **unless** the use is a *permissible use* in terms of regulation 4, alternatively, authorised under regulation 6 (permits), regulation 7 (licences) or regulation 22 (exemptions).
- 2.2 The policy gives effect to, *inter alia*, the Regulations and the principles that underpin the National Environmental Management Act, 107 of 1998 ("the NEMA"). Therefore, the policy must be read in conjunction with the Regulations and NEMA. Furthermore, there are numerous important annexures included to this policy. Where reference is made to these annexures in this policy, applicants must refer to these annexures.
- 2.3 The purpose of this policy is to ensure that the *implementation* of the Regulations occur in a fair, lawful and reasonable manner. It is also intended to ensure that applicants seeking a permit, licence or exemption, and in the case of recreational use areas, the local authorities or managers of coastal protected areas, may be able to do so in an informed manner.
- 2.4 The policy is therefore intended to be a guide for persons who wish to seek authorisation to use a vehicle or vehicles in the coastal zone. When making application for a permit, licence or exemption, the criteria and policy will be utilised to evaluate the application.
- 2.5 The policy is intended to ensure consistency in application but will not be rigidly applied. It is intended that all organs of state, in all spheres of government, adhere to this policy statement and the applicable criteria and apply it in a uniform and consistent, yet flexible manner.
- 2.6 The policy sets out in substantial detail what is required from applicants. The Department, including the Director General of the National Department of Environmental Affairs and Tourism, the National Minister of Environmental Affairs and

Tourism and any other relevant authority is under no obligation to seek out further information from applicants. Applicants will be assessed on the merits of the information submitted in their application forms.

- 2.7 It must be noted that no weighting or precedence is implied by the criteria set out below. Further, although the Department has attempted to define what information is required for the satisfaction of the criteria, the information stated below does not constitute a closed list. Should further information be required, the Department will request this from applicants. **Failure by applicants to submit the requested information will prejudice the application and could result in the application being rejected. Where information sought is stated to be "essential", this information must be provided and a failure to do so will result in the application being rejected.**
- 2.9 The Department envisages the carrying out of a *strategic environmental assessment* of the South African coastline. The *strategic environmental assessment* is intended to inform decision-making in respect of the designation of recreational use areas. The *strategic environmental assessment* will further assist in evaluating applications for permits, licences and exemptions, as the case may be.
- 3. Definitions**
- 3.1 *Historically disadvantaged persons* means those persons or classes of persons that, prior to the coming into force of the Constitution of the Republic of South Africa of 1993, were unfairly discriminated against on the basis of their race, gender or disability;
- 3.2 *Environment* means the environment as defined in section 1 of the National Environmental Management Act, 107 of 1998;
- 3.4 *Recreational Use* means the use of a vehicle that is associated with a leisure activity and includes sporting activities and competitions that necessarily require the use of a vehicle in the coastal zone;

- 3.5 *Tour Operator* means a tourist guide as defined in terms of the Tourism Act, 72 of 1993.

Words used in this policy guideline that are not defined but defined in the Regulations or NEMA will have the meaning assigned to it in the Regulations or NEMA, as the case may be.

4. Permissible Uses

- 4.1 Regulation 4 allows certain uses of vehicles in the coastal zone without a permit or any other authorisation.
- 4.2 There are four categories of users that are listed under regulation 4. These are:
- 4.2.1 the use by **any person of any vehicle** on certain specified roads or in certain specified areas, or for the specified purposes under regulation 4(a)(iv) (the use of a vehicle within an area defined as a "mining area") and (vii) (the use of vehicles in an emergency situation to safeguard human life or health, property or the environment);
- 4.2.2 the use of **any vehicle** within a **boat launching site**, provided that the use is in accordance with the licence issued in terms of regulation 7. In other words, in cases where a properly licenced boat launching site is being used to launch a boat, the person launching the boat need not personally have a licence or permit. The vehicle being used in the boat launch site must be for the purpose of launching a vessel. The onus however remains on the person launching the boat to reasonably ensure that the boat launching site is in fact licenced under regulation 7;
- 4.2.3 the **use by physically disabled persons** of electrically propelled vehicles specifically designed and manufactured for physically disabled persons. Where physically disabled persons intend using a non-motorised vehicle to access the coastal, they may do so without the need for a permit or any other authorisation. The reason why an electrically motorised vehicle driven by a disabled person is permitted to enter the coastal zone without official authorisation, is that electrically motorised vehicles are substantially less powerful than conventional internal combustion vehicles and therefore less likely to cause significant harm to the coastal zone; and

- 4.2.4 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. In other words, if an employee of an organ of state (ie, an organisation, person or other functionary that carries on functions under an Act of Parliament) intends using a vehicle in the coastal zone for the purposes of carrying out the functions of the organ of state, then such a person may do so without the need for any formal authorisation under the Regulations. Such use must however be consistent with the regulation 2 of the Regulations.
- 4.3 Regulation 4(a)(i) to (v) is self explanatory, permitting the use of vehicles in coastal zones without the need for official authorisation provided that the use of the vehicles satisfies the applicable sub-regulations.
- 4.4 With regard to the use of a vehicle in ***an emergency situation in order to safeguard human life or health, property or any aspect of the environment***, the Department is of view that an emergency situation need not have arisen for regulation 4(a)(vi) to become operative. Any person may use a vehicle in the coastal zone under this sub-regulation in order to prevent a reasonably foreseeable threat to human life or health, property or any aspect of the environment from materialising.

5. Recreational Use Areas
(See Annexures 1 and 5)

5.1 Policy

5.1.1 The designation of a recreational use area is the function of the Director-General: Department of Environmental Affairs and Tourism.

5.1.2 There are two ways in which an area may be designated a recreational use area. Firstly, the Director-General 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 Director General requesting that an area of the coastal zone under their authority or jurisdiction, respectively, should be designated a recreational use area. A recommended *recreational use area* application form is included as **Annexure 5**.

Please note that the recreational use area form is only a recommended form. Applicants are welcome to submit applications in any form or format. This application form does however provide applicants with a guide as to the basic information that is required.

- 5.1.3 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 carry on recreational uses.
- 5.1.4 In designating recreational use areas, the Director General will consider the environmental, socio-economic and compliance implications of designating such areas.
- 5.1.5 It is the intention of the Department to designate as recreational use areas those coastal zones which it is requested to designate by the local authority or manager of a coastal protected area, as the case may be, unless the local authority or manager of a coastal protected area has, in the opinion of the Director General, failed to satisfy the criteria set out below.
- 5.1.6 Subject to the satisfaction of the criteria listed in **paragraph 5.2** in respect of recreational use areas, the Department's policy on designating coastal zones as recreational use areas is predicated upon four principles. These are expanded upon below. The four principles include –
- The purpose of designating a coastal zone a recreational use area;
 - Empowerment initiatives;
 - Environmental sustainability and duty of care; and
 - Rights of the public.
- 5.1.7 ***Purpose of designating a coastal zone a recreational use area.*** Subject to the satisfaction of the criteria listed in **paragraph 5.2**, the Department may designate certain coastal zones as recreational use areas where one or more of the following activities are intended to be facilitated –
- recreational fishing, including angling competitions;
 - authorised tourist businesses conducted by a tour operator;
 - the provision of access for recreational purposes by disabled persons; or
 - other recreational uses, provided that these recreational uses do not cause significant harm to the environment or where harm is unavoidable, the harm is minimised and capable of remediation.

- 5.1.8 **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, including tourist businesses, particularly those owned and managed by historically disadvantaged persons.
- 5.1.9 **Environmental sustainability and duty of care.** The designation of part of a coastal zone as a recreational use area must be in line with 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.
- 5.1.9 **Rights of public.** The designation of a coastal zone as a recreational use area must not seriously affect the rights of the public in general, and of disabled persons in particular, to beneficially utilise the coastal zone.
- 5.2 **Criteria**
- 5.2.1 When evaluating an application to designate a coastal zone as a recreational use area the Department will have regard to the criteria set out below.
- 5.2.2 Two categories of criteria exist. The first category are **essential criteria**. The second are **material criteria**. Failure to satisfy the essential criteria **will** result in the application being rejected.
- 5.2.3 Failure to satisfy the material criteria could result in the application being refused.
- 5.2.4 The **essential criteria** requires the submission of a detailed report demonstrating that the requirements of section 24(7) of NEMA have been fully complied with, including, but not limited to a detailed and precise description of the coastal zone

and its boundaries for which designation is being sought. Applicants are required to include copies of maps or photographs of the relevant area.

The report required above must demonstrate, *inter alia*, that the designation of the coastal zone as a recreational use area will not result in significant harm to the environment and that the rights of the public to beneficially use the proposed designated recreational use area will not be seriously affected.

- 5.2.5 An applicant **must** submit an environmental management plan (EMP) to the Director-General. The EMP must provide details in respect of:
- 5.2.5.1 measures adopted to minimise impacts associated with vehicle use in the recreational use area;
 - 5.2.5.2 measures taken to control vehicle numbers and access to the recreational use area;
 - 5.2.5.3 how vehicle use will be regulated in the recreational use area (ie how the regulation 6 permitting process will be managed);
 - 5.2.5.4 measures taken to ensure compliance by vehicle users with the permit conditions issued in terms of regulation 6;
 - 5.2.5.5 staff training initiatives to be undertaken to ensure compliance and proper and reliable monitoring of the impacts on the environment; and
 - 5.2.5.6 measures regarding waste management.
- 5.2.6 Further, applicants **should** (if applicable) provide the relevant generic application forms for permits and licences, including confirmation of the respective application fees that are to be levied for the issuing of permits and licences.
- 5.2.7 The **material criteria** requires the submission of the following information:
- 5.2.7.1 The full name and details of the applicant, including applicable authorisations where the applicant is a legal entity. Where an independent consultant was used, the full details of this consultant must also be provided, including proof

that the consultant has the requisite expertise to fulfill the requirements of section 24(7);

- 5.2.7.2 The intended purpose(s) for designating the coastal zone a recreational use area;
- 5.2.7.3 What empowerment initiatives, if any are being undertaken;
- 5.2.7.4 What monitoring and compliance mechanisms are to be implemented to ensure that significant harm to the coastal zone is prevented and where some harm is anticipated, how this harm will be prevented or minimised;
- 5.2.7.5 The anticipated number and types of vehicles that may access the recreational use area and the number of persons that may accompany such vehicles;
- 5.2.7.6 Environmental monitoring and reporting;
- 5.2.7.7 Information relating to signage, control of littering, waste and waste management;
- 5.2.7.8 Whether the independent consultant engaged by the applicant supports the designation of the coastal zone as a recreational use area and the reasons for such support or lack thereof, as the case may be;
- 5.2.7.9 What staff training initiatives have been undertaken to ensure compliance and proper and reliable monitoring of the impacts on the environment; and
- 5.2.7.10 Whether any code of conduct or standard conditions will bind individual users or categories or classes of users of the intended recreational use area. The applicant should provide the code of conduct and/or conditions.
- 5.2.8 Should an applicant's application for a recreational use area be successful, the applicant will be required submit annual reports to the Director-General. The reports must, at a minimum, contain the following:

- (a) the environmental impacts resulting from vehicle use in the recreational use area;
- (b) the social and economic impacts resulting from vehicle use in the recreational use area;
- (c) the extent to which the empowerment objectives have or have not been met;
- (d) an assessment of the EMP which was approved for the recreational use area by the Director-General; and
- (e) any other information that may be required by the Director-General.

6. Permits

(See Annexures 2 and 6)

6.1 Policy

6.1.1 Persons seeking to use a vehicle in the coastal zone must ordinarily do so by way of making application for a permit in terms of regulation 6. Stipulated specimen application forms are included as **Annexure 6**.

6.1.2 Permits may only be applied for by those persons seeking to use a vehicle in a coastal zone for one or more of the following purposes:

6.1.2.1 **Scientific research (Annexure 6a).** Permits for scientific research should only be applied for in matters where the intended research is to be carried out by a recognised South African or international organisation, institute or academy, which was established for the purposes for carrying on scientific research, including a university or technikon, provided that in order for the scientific research to be properly carried out the researchers require the use of a vehicle in the coastal zone.

Accordingly, persons who pursue their own research out of curiosity, self interest, as a hobby or for recreation, may not apply for a permit for scientific research. Such persons are instead advised to apply for an exemption under regulation 22.

6.1.2.2 **Non-recreational activity approved of in terms of the Marine Living Resources Act of 1998 (Annexure 6b).** It is recognised that holders of certain non-recreational fishing rights, permits or exemptions granted under

the Marine Living Resources Act may need to use vehicles in the coastal zone to facilitate the exercising of these rights or permits. Such vehicle use is regarded as legitimate and persons who hold commercial fishing rights granted to them under section 18, those that hold non-recreational permits granted in terms of section 13 and section 19, or exemptions under section 81 of the Marine Living Resources Act should apply for a permit to use vehicles in the coastal zone provided that the vehicle use is necessary *for the purpose of utilising such right, permit or exemption.*

6.1.2.3

Recreational uses (Annexure 6c). A permit for a recreational use will only be granted if the permit application clearly demonstrates that the coastal zone in which the intended use is to be carried out has been designated a recreational use area by the Director-General in terms of regulation 5.

With regard specifically to persons seeking authorisation to conduct angling competitions or any other form of recreational fishing, such activities must be limited to the areas designated as recreational use areas. Further, the carrying on of such activities within recreational use areas must be confined to limited areas and during periods when passive forms of beach activities will not be seriously affected. Prospective applicants are advised to apply for permits for specific events or occasions requiring vehicular access to the coastal zone in order to facilitate the angling competition or recreational fishing activity. So called "blanket permits" for angling competitions are not advisable.

6.1.2.4

Tourism businesses (Annexure 6d). The Department recognises that many tourism businesses owned by accredited tour operators utilise vehicles in the coastal zone for the purposes of "eco-tourism" and whose tours provide a wilderness experience and aim to inform and educate persons about the coastal environment. It is the intention of the relevant authorising authority to grant permits to small and medium sized tourism businesses, and specifically those that are also owned and managed by historically disadvantaged persons, who satisfy the requirements of the Regulations, provided that –

- they are accredited tour operators;

- the vehicle use is absolutely necessary for the carrying on of the tour; and
- an environmental assessment in accordance with regulation 8 has been undertaken and approved by the relevant authorising authority.

6.1.2.5

Access to private property (Annexure 6e). A permit to use a vehicle in the coastal zone for the purposes of accessing private property will only be granted if the applicant clearly demonstrates that there is no reasonable alternative access to the private property. The applicant must further demonstrate that it is the lawful owner or occupier of the property.

Where applicants intend using more than one vehicle in the coastal zone to access private property, the application should specify the details of such vehicles, including vehicle registration details.

6.1.2

Applications by disabled persons to use a vehicle in the coastal zone for the purposes of conducting scientific research, carrying on a non-recreational activity under the Marine Living Resources Act of 1998, accessing a private property, carrying on a tourism business or carrying on a recreational activity in a recreational use area must include a completed *Functional Mobility Assessment* report. This report must be compiled by the applicant's medical doctor. Generic reports are obtainable from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town 8001 (Coastal Management Component). Generic reports are also available from the Department's website, www.environment.gov.za. Vehicle usage in the coastal zone will only be permitted in cases where the applicant's functional mobility is so limited that the applicant is unable to access the coastal zone other than by means of a vehicle, and provided that the other applicable criteria are fulfilled.

6.2

Criteria

6.2.2

The following criteria will be used to assess applications for permits. The information required is peremptory and therefore **essential**. Failure to provide the requisite information will result in the application being rejected.

6.2.3

Stipulated Form. An application for a permit must be made on the form stipulated for such application by the relevant authority. Failure to make application on the

stipulated form will result in the application being refused. Stipulated specimen application forms for each of the permitted uses are attached as **Annexures 6a** (scientific research), **6b** (non-recreational activity under the Marine Living Resources Act of 1998), **6c** (recreational use), **6d** (tourism business) and **6e** (access to private property). **Actual application forms are available from the applicable Provincial Department responsible for environmental affairs.**

6.2.4 Fees. The application must be accompanied by a bank guaranteed cheque or proof that payment of the requisite application fee was effected. Failure to demonstrate that payment was effected will result in the application being refused. Application fees for permits are stipulated as follows --

Please Note:

The relevant authorities will stipulate the application fees in due course

- R _____ per annum (alternatively _____ per month or _____ per day) for scientific research applications;
- _____ per annum for non-recreational activities under the Marine Living Resources Act, 1998;
- _____ per annum (alternatively _____ per month or _____ per day) for recreational use applications by able bodied applicants;
- _____ per annum (alternatively _____ per month or _____ per day) for recreational use applications by disabled persons;
- _____ per application for an organised recreational sporting event within a recreational use area;
- _____ per annum for tourism business applications;
- _____ per annum for access to private property applications

6.2.5 Vehicles. Applicants must state the type of vehicle(s) and the nature and purpose of the use of such vehicle(s).

6.2.6 Reasons. Applicants must provide detailed reasons as to why the permit is required.

6.2.7 Compliance with NEMA: Section 24(7). Applicants, other than those seeking a recreational use permit and those exempted under regulation 22(1)(a), must clearly establish that they have fully complied with the requirements of section 24(7). It is highly recommended that the intended process to be followed and the content of the environmental impact assessment must be proposed by the applicant and accepted by the relevant authority.

Compliance with section 24(7) 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.
- **Investigation of the potential impact, including cumulative effects, of the activity and its alternatives on the environment, socio-economic conditions and cultural heritage, 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 and socio-economic conditions and cultural heritage. Cumulative effects must 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. Socio-economic conditions include social conditions (such as the recreational patterns and preferences associated with the coastal zone affected by the application) and economic conditions (vehicle access may influence the tourism potential of a particular community). Cultural heritage includes features such as archaeological sites or sites having cultural significance for a particular community. The applicant must indicate whether available information and data are adequate to determine the potential impact resulting from the application on any aspect of the coastal environment. 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.
- **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, independent review and conflict resolution in all phases of the investigation and assessment of impacts.** 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. However, should any aspect 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 review. 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 impacts 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.

Applications for a permit in terms of regulation 6 must be supported by an environmental management plan, which includes detail in respect of measures adopted to mitigate environmental impacts associated with vehicle use. The authority responsible for evaluating the application must ensure that the additional measures specified above in respect of applications for recreational use areas and boat launching sites, are executed.

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.

7. Licences

(See Annexures 3 and 7)

7.1 Policy

- 7.1.1 Operators of boat launching sites must make application for a licence in terms of regulation 7 if the operator intends to use vehicles or allow their use by third parties to facilitate boat launching. In other words, all persons, including owners of private properties intending to launch a boat into the sea or an estuary must licence their launch site in terms of regulation 7 of the Regulations. Operators are advised to submit one application for each boat launch site they want licenced.
- 7.1.2 Private operators of launch sites are encouraged to make application as members of a conservancy or home owners' association. This would be a significantly more cost effective and efficient way of licencing a boat launching site.
- 7.1.3 It is the responsibility of users of vehicles in a boat launching site to ensure that the boat launching site is in fact licenced under regulation 7.
- 7.1.4 Where parts of the coastal zone that are not within the boundaries of a boat launching site need to be utilised by vehicles in order to enter the boat launching site, such use must be authorised either under permit or exemption. A permit may be sought if the area has been designated as a recreational use area. An exemption should be sought if the area has not been designated a recreational use area.

7.1.5 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.

7.2 Criteria

7.2.1 The information required is peremptory and therefore **essential**. Failure to provide the requisite information will result in the application being rejected. Applications for boat launching site licences must –

7.2.1.1 clearly establish that the purpose of the licence application is to facilitate the launching of boats or other vessel specifically and not some other recreational or other use of vehicles;

7.2.1.2 be made on the **stipulated form**. An application for a licence must be made on the form stipulated for such application by the relevant authority. Failure to make application on the stipulated form will result in the application being refused. A specimen stipulated licence application form is included as **Annexure 7**;

7.2.1.3 be accompanied by the **requisite application fee or proof of payment**. The application must be accompanied by a bank guaranteed cheque or proof that payment of the requisite application fee was effected. Failure to demonstrate that payment was effected will result in the application being refused. **The stipulated application fee is _____ for a licence valid for three years;**

Please Note:

The relevant authorities will stipulate the application fees in due course

7.2.1.4 clearly indicate the **boundaries of the proposed boat-launching site** and all access roads, including the **specifications of vehicles** that will be used at the site. Applicants must state what infrastructure exists or is required at the proposed boat launching site, such as boat launching ramps. Applicants must state the type of vehicle(s) and the nature and purpose of the use of such vehicle(s);

7.2.1.5 set out in full the reasons why the boat-launching site is required;

7.2.1.6 include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment. An applicant must submit an

environmental management plan (EMP) to the applicable authority. The EMP must provide details in respect of:

- measures adopted to minimize impacts associated with vehicle use in site;
- measures taken to control vehicle access to the site;
- how vehicle use will be regulated in the boat launching site;
- measures taken to ensure compliance by vehicle users with the permit conditions; and
- initiatives to be undertaken to ensure compliance and proper and reliable monitoring of the impacts on the environment.

7.2.1.7 unless exempted under regulation 22(1)(a), clearly establish that the requirements of section 24(7) have been fully complied with. **As to how section 24(7) ought to be complied with, see paragraph 6.2.7.**

8. Exemptions

(See Annexures 4, 8 and 9)

8.1 Policy Generally

8.1.1 The making of an application for exemption from having to comply with regulations 6 or 7 or from having to carry out an environmental assessment must be made to the National Minister of Environmental Affairs and Tourism.

8.1.2 Accordingly, an exemption application under the Regulations is an exceptional mechanism by means of which an applicant may be exempted from having to comply with certain provisions of the Regulations.

8.1.3 The Minister shall not grant an application for an exemption unless the applicant establishes that the exemption is required due to exceptional circumstances having arisen barring it from making application for a permit or licence or being able to carry out an impact assessment in accordance with regulation 8.

8.1.4 Exemptions are principally intended for those applicants that demonstrate that their intended use is not a permissible use under regulation 4 or the intended use cannot

be authorised under regulations 6 or 7 and that they comply with the Regulations, generally, and regulation 22, specifically.

8.1.5 Exemptions will generally only be granted for very limited periods and for specific events.

8.2 Policy regarding –

8.2.1 **Applications for scientific research, to carry on a non-recreational activity under the Marine Living Resources Act of 1998, to conduct a tourism business, to undertake recreational activity where a recreational use area has been designated or to access private property which the applicant has a right of access to must be in terms of regulation 6(3) of the Regulations.**

8.2.2 **Recreational use** where a recreational use area has not been designated. Exemption applications seeking authorisation to carry on recreational activity in areas not designated recreational use areas must clearly demonstrate, in addition to satisfying the criteria below, that –

- the coastal zone in which the vehicle use is intended to be has traditionally or historically been utilised as a recreational use area.

8.2.3 **Boat-launching.** Exemption applications seeking authorisation to launch boats from the coastal zone using vehicles should only be made in instances where the launch site has not been licenced under regulation 7 and the applicant must clearly demonstrate, in addition to satisfying the criteria below–

- that the site from where the intended boat launch using a vehicle is to occur, has traditionally or historically been utilised as a boat launching site;
- the distance to the nearest licenced boat-launching site and why such site may not instead be utilised;
- whether the site from where the intended boat launch using a vehicle is to occur is used for other purposes and what these purposes are; and

- whether the intended site has any buildings or infrastructure, public facilities and emergency facilities to deal adequately with injuries to human beings or to manage properly any oil, chemical or other hazardous chemical spills.

8.2.4 **Other uses not specified under regulation 6(3).** Exemption may be sought by applicants whose intended use of vehicles in the coastal zone does not fall within a permissible use under regulation 4, a permitted use under regulation 6(3) or a licenced use under regulation 7. This may include applicants who intend using vehicles in the coastal zone for the purposes of -

8.2.8.1 **Feature films, television, video, commercial and still photography.** Applicants are informed that it is inadvisable to seek the Minister's authorisation for vehicle usage in the coastal zone that will in any way appear to glamourise beach driving. Should a vehicle be required in any part of the coastal zone for one or more of the above purposes, it is most advisable that such vehicles be stationery;

8.2.8.2 **Commercial activity** not expressly provided for under the Regulations; or

8.2.8.3 **any activity organised or designed** for the purposes of promoting or achieving environmental conservation or rehabilitation or remediation of environmental harm, damage or degradation.¹

8.2.9 Applications for exemptions by disabled persons to use a vehicle in the coastal zone must include a completed *Functional Mobility Assessment* report. This report must be compiled by the applicant's medical doctor. Generic reports are obtainable from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town 8001 (Coastal Management Component). Generic reports are also available from the Department's website, www.environment.gov.za. Vehicle usage in the coastal zone will only be permitted in cases where the applicant's functional

¹ This is not in any way intended to be a closed list.

mobility is so limited that the applicant is unable to access the coastal zone other than by means of a vehicle, and provided that the other applicable criteria are fulfilled.

8.3 Criteria

8.3.1 Two categories of criteria exist. The first category is **essential criteria**. The second is **material criteria**. Failure to satisfy the essential criteria **will** render the application defective and **will** result in it being refused.

8.3.2 Failure to satisfy the material criteria may result in the application being refused.

8.3.3 The applicant must submit sufficient information to justify the granting of an exemption. Failure to submit sufficient information will result in the application being refused.

8.3.4 The **essential criteria** requires the submission by the applicant of the following information:

8.3.4.1 that exceptional circumstances exist as to why it is seeking an exemption;

8.3.4.2 proof that it published an advertisement to seek an exemption in terms of regulation 22 in a newspaper that circulates in the area for which the exemption is sought. The applicant need only place one advertisement. The tearsheet of the page on which the advertisement was placed must be included in the application as proof that the exemption application was advertised. A specimen advertisement is included as **Annexure 9**.

Comments by interested and affected parties must be made in writing and delivered (whether by registered mail or hand delivery) to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town 8001 (Attention: Coastal Management Component) within 14 (fourteen) days of the date of publication of the exemption notice;

8.3.4.3 that the proposed use would not result in significant harm to the environment;

- 8.3.4.4 that the proposed use would not adversely and seriously affect any rights of the general public to enjoy the coastal zone; and
- 8.3.4.5 demonstrate that the proposed use is in the public interest, in the interest of protecting the environment or in the interest of providing equitable access to any part of the coastal zone by disabled persons.
- 8.3.5 The **material criteria** requires the submission by the applicant of the following information:
- 8.3.5.1 Full name and details of the applicant;
- 8.3.5.2 Type and nature of the vehicle(s) to be used, as well as all points of reasonable access to the coastal zone area;
- 8.3.5.3 The number of persons that will accompany the applicant, their respective status and purposes;
- 8.3.5.4 The area and exact boundaries where the proposed use is intended, as well as any relevant map or photographs of the area;
- 8.3.5.5 The purpose of the proposed use;
- 8.3.5.6 The duration of the proposed use;
- 8.3.5.7 Why application for a permit or licence or the carrying out of an environmental assessment (as the case may be) was not undertaken;
- 8.3.5.8 What reasonable measures will be taken to avoid harm to the environment; and
- 8.3.5.9 If harm to the environment is unavoidable, how will the harm be minimised and be remedied.
- 8.3.6 For the purposes of facilitating applications for exemptions, a *recommended* specimen application form is included as **Annexure 8**. **There is no application fee.**

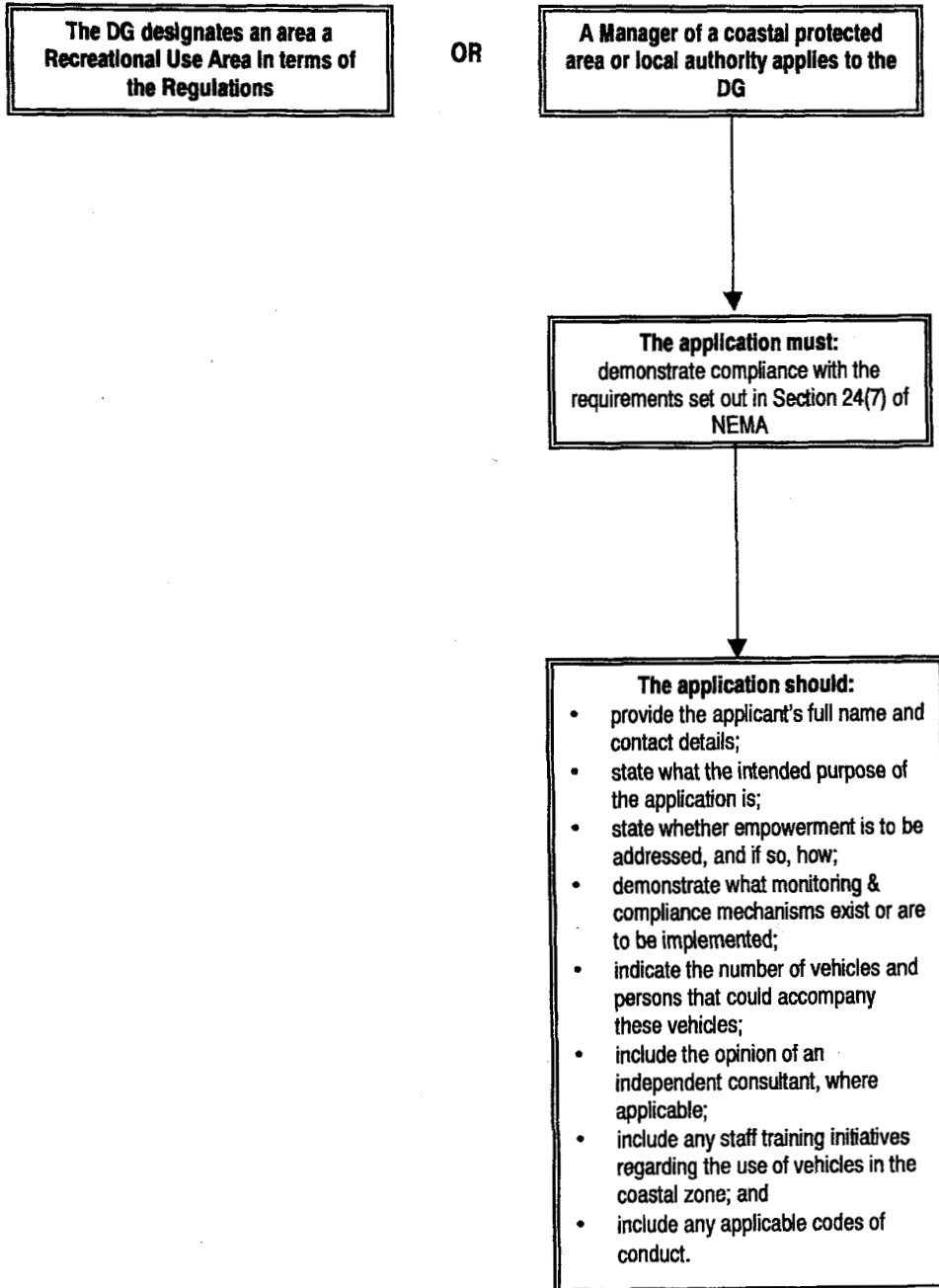
9. Compliance and Enforcement

- 9.1 The applicable authorities charged with enforcing compliance with the Regulations will ensure that Regulations are strictly enforced.
- 9.2 Persons who elect to act in violation of the Regulations will be dealt with to the full extent provided for in law, which will include seizure of offending vehicles, fines and jail sentences.

**10. Permit and Licence Conditions
(See Annexure 10)**

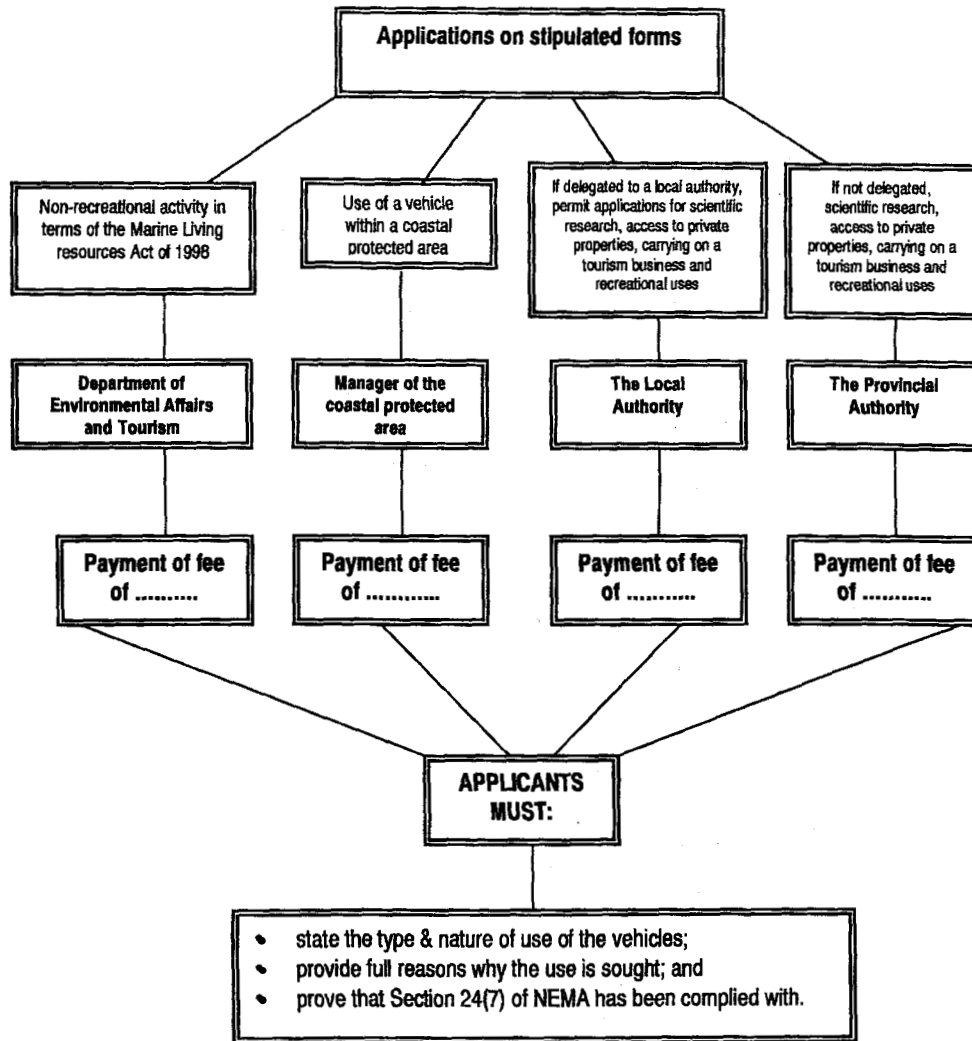
- 10.1 Regulation 12(4) requires the issue of a permit or licence to be subject to appropriate terms and conditions.
- 10.2 **Annexure 10** includes a generic set of possible terms and conditions that may be included in a permit or licence if applicable. These generic terms and conditions will be supplemented by further terms and conditions that apply specifically to each applicant and that part of the coastal zone in question.

ANNEXURE 1
Recreational Use Areas



ANNEXURE 2

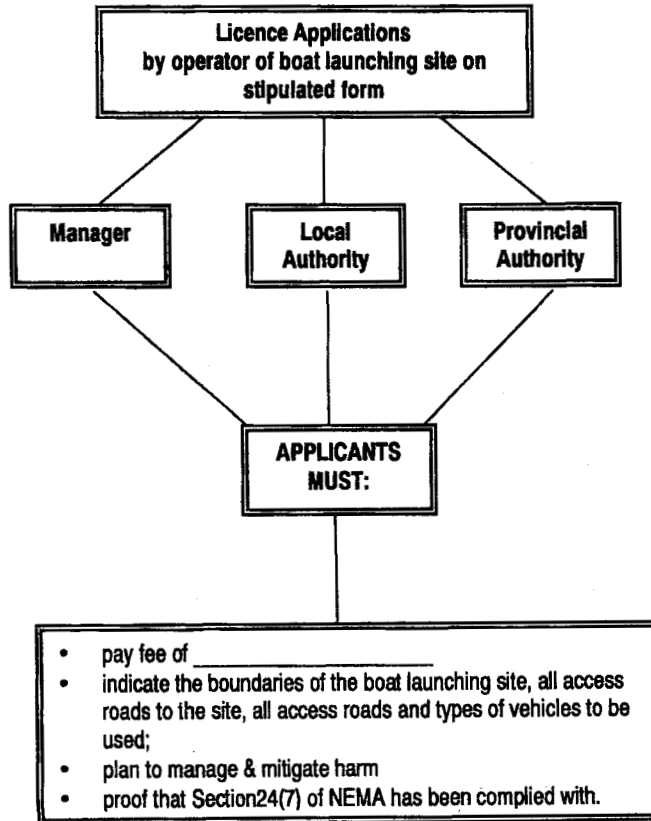
Permits



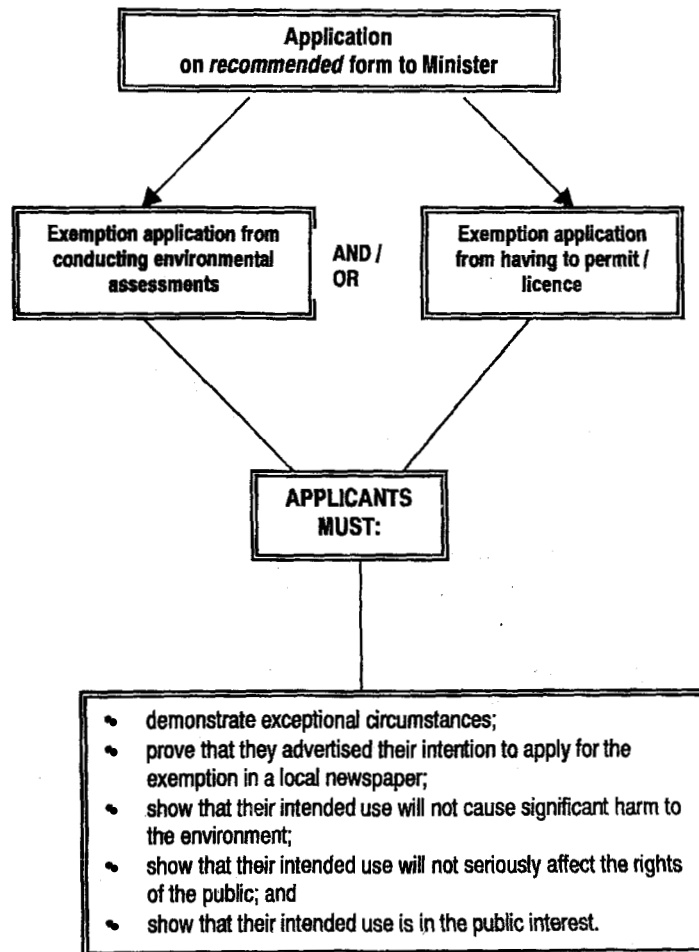
- state the type & nature of use of the vehicles;
- provide full reasons why the use is sought; and
- prove that Section 24(7) of NEMA has been complied with.

ANNEXURE 3

Licences



ANNEXURE 4
Exemptions



Annexure "A"

FUNCTIONAL MOBILITY ASSESSMENT

SECTION A

To be filled in and signed by the applicant or his/her (proxy/nominee).

SECTION B

To be filled in and signed by the attending medical practitioner.

SECTION A

To be filled in by the applicant (or nominated proxy).

A 1: Explanation of Terms:

- (i) **“weakness”**: Reduced muscle strength (or control) which limits normal activities or necessitates help or assistive device(s).
- (ii) **“paralysis”**: Complete loss of muscle strength which prevents normal activities without help or assistive device(s).
- (iii) **“balance and co-ordination”**: Disturbance of normal abilities in walking/standing due to middle ear or brain muscle control abnormalities (cerebellar function)
- (iv) **“leg caliper”**: Externally attached leg support(s) provided to allow walking/standing in spite of leg muscle weakness or paralysis.
- (v) **“leg prosthesis”**: An “artificial” leg, which replaces an amputated part of the leg to allow walking/standing.

A 2: Personal details relative to the applicant’s physical/functional impairment which give rise to their mobility disability

2.1 Parts of the body affected:
(Indicate with an X in the relevant block)

	WEAKNESS	PARALYSIS	DURATION	
			Years	Months
2.1.1 Head/Neck	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1.2 Torso/Trunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1.3 Right Arm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1.4 Left Arm	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1.5 Right Leg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1.6 Left Leg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.2 General Balance and Co-ordination:

Normal Poor None

A 3: Current Need for Assistive / Mobility Device(s)

3.1 Walking Aids

Crutch	One Arm	<input type="checkbox"/>
	Both Arms	<input type="checkbox"/>
Leg Caliper	One Leg	<input type="checkbox"/>
	Both Legs	<input type="checkbox"/>
Leg Prosthesis	Right Below Knee	<input type="checkbox"/>
	Right Above Knee	<input type="checkbox"/>
	Left Below Knee	<input type="checkbox"/>
	Left Above Knee	<input type="checkbox"/>

3.2 Wheelchair

	Always	<input type="checkbox"/>
	Sometimes	<input type="checkbox"/>
Assistance needed:	Always	<input type="checkbox"/>
	Sometimes	<input type="checkbox"/>
Chair type	Manual	<input type="checkbox"/>
	Electric	<input type="checkbox"/>

(Indicate both if appropriate)

A 4: Functional Capacity/Mobility (using assistive devices, if needed)

(M = Metres)	20M	100M	100M +
4.1 On firm, flat ground/surface	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2 On uneven, rocky surface	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3 On soft sand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A 5: Ability to drive a motor vehicle with current appropriately endorsed driver's licence

- 5.1 No adaptations
- 5.2 Adapted (hand controls)
- 5.3 Always need a driver

A 6: Needs for Angling

- 6.1 Can manage alone
- 6.2 Always need assistance

A 7: Needs for swimming / entering / exiting water

- 7.1 Can manage alone
- 7.2 Always need assistance

SECTION B

Professional submission by Registered Medical Practitioner.

DEMOGRAPHIC INFORMATION / CONTACT DETAILS

Particulars of Medical Practitioner

Name.....

Practice Address:.....

.....

.....

.....

..... Post Code:

Speciality (if any)

.....

.....

.....

Health Professions Council Registration Number

Telephone: (.....)..... Fax:(.....).....

Cell:.....E-mail.....

Particulars of applicant

Full name of applicant.....

Identity number of applicant.....

NOTE: This submission should be informed by the accompanying submission by the applicant (Part A)

B 1: How long have you known/attended to the applicant:

This examination only

Years Months

B 2: Duration of Functional Mobility Loss:

Years Months

NOTE: Acute conditions (usually time-limited) are excluded. These could include fractures, nerve palsies and infectious joint/muscle/bone conditions, unless complicated by associated pathologies/factors.

In all but exceptional circumstances the disabling condition must have existed for more than 18 months. This does not apply to permanent, irreversible conditions such as the loss of a leg.

If exceptional circumstances, specify [e.g. the applicant's life expectancy is limited]:

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B 3: Primary diagnosis/description of pathology giving rise to the mobility loss:

3.1
.....
.....
.....

3.2 Associated complicating diagnoses/factors (if any):

.....
.....
.....

B 4: Assessment of extent/degree of functional impairment giving rise to mobility disability:

Motor strength	Complete Paralysis	Weakness	Normal	Amputation
4.1 Head/Neck	<input type="checkbox"/>	<input type="checkbox"/>		
4.2 Body/Trunk	<input type="checkbox"/>	<input type="checkbox"/>		
4.3 Right Arm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Arm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4 Right Leg (above knee)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(below knee)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5 Left Leg (above knee)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(below knee)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B 5: Balance, Muscle Co-ordination/Tone:

	Complete Loss	Partial	Normal
5.1 Balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2 Co-ordination / tone:			
Spastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flaccid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Athetoid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B 6: Distribution of Motor/Sensory Loss:

Hemiplegia R	<input type="checkbox"/>		
Hemiplegia L	<input type="checkbox"/>		
Paraplegia	<input type="checkbox"/>	Spinal Level	<input type="checkbox"/> (e.g. L4 - 5)
Quadriplegia	<input type="checkbox"/>	Spinal Level	<input type="checkbox"/>
Complete	<input type="checkbox"/>		
Incomplete	<input type="checkbox"/>		

B 7: Referring to Applicant's Submission (Section A):

Is the applicant cognitively competent to report on their stated disability?

Yes

No

If **NO** give your reasons:

.....

.....

.....

.....

.....

.....

B 8: Review of Applicant's assertions of their mobility abilities in Section A 2.1 (using mobility devices, if needed):

8.1 Are these fair/accurate/realistic?

Yes

No

If NO, please comment on any over- or underestimated function(s) in relation to your physical examination findings:

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B 9: General assessment of competence:

On general medical examination are there any underlying medical conditions which might limit the applicant's ability to drive/control a motor vehicle safely (if applicable). Such conditions would include psychiatric conditions or consequences of medical conditions.

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Declaration by Medical Practitioner

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted in this assessment is true and correct.

Signature of Medical Practitioner

.....

Full Name

.....

Signed at (place).....on theday of.....in the year.....

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths

Full Name

Designation

Office

Address

NOTE

This assessment must be posted to the Minister of Environmental Affairs and Tourism (c/o Shaheen Moolla, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

ANNEXURE 5



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

Private Bag X _____, _____, Tel: _____ Fax: _____
Name of Contact Person: _____

Application to the Director-General: Department of Environmental Affairs and Tourism, in terms of regulation 5 of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone (Government Notice No.1399 of 20 December 2001) ("the Regulations")

**APPLICATION FOR THE
DESIGNATION OF A RECREATIONAL USE AREA**

CHECKLIST FOR APPLICANT: HAVE YOU –

1. Read the IMPORTANT instructions below?
2. Completed this application form in full and adhered to all the requirements?
3. Provided all the documents and information specifically required under paragraph 4 of the INSTRUCTIONS?
4. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. The applicant must submit the information required in this recommended application form. If the applicant elects to use this application form, it **must be completed in full**. Even if you use this application form, you must nonetheless ensure that the requirements under the Regulations, generally, and the requirements under regulation 5, particularly, have been fully complied with.

2. This application form requires the minimum information. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures.
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being rejected. In considering an application for the designation of an area as a recreational use area, the Director-General is under no obligation to seek out or request further information so as to consider the application.
4. The following proof and/or documentation **must be provided. Failure to provide this information could result in the application being rejected.**
 - 4.1 Proof indicating that the person applying on behalf of the local authority or the coastal protected area (ie the manager of the coastal protected area) is duly authorised to make such an application. **Note that a failure to provide such proof will result in the application being refused;**
 - 4.2 A detailed map of the proposed recreational use area;
 - 4.3 A detailed site plan of the proposed recreational use area;
 - 4.4 A plan of study for the scoping;
 - 4.5 The scoping report;
 - 4.6 An Environmental Management Plan;
 - 4.7 The declaration of independence by the environmental consultant (if one was used); and
 - 4.8 A complete list of all the Interested and Affected Parties and copies of their respective submissions.
5. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.
6. This application must be addressed to the Director-General of the Department of Environmental Affairs and Tourism and handed in or posted to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 (Attention Shaheen Moolla).

C. Location, Environmental Sustainability and Duty of Care

Description of proposed Recreational Use Area

.....

Does the proposed Recreational Use Area extend into areas managed and controlled by another Municipality and if so, which Municipality:

.....

Location of Proposed Recreational Use Area

Province.....Magisterial District.....

Extent of proposed area.....

1 : 50 000 map name.....

Closest City/Town

Surrounding land use.....

Co-ordinates of proposed Recreational Use Area

from

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

to

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

Description of proposed Road Access Points to proposed recreational use area (including road numbers and approximate distances from the proposed recreational use area)

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.....

Co-ordinates of proposed access point/s

Latitude°'"	South
Longitude°'"	East

Latitude°'"	South
Longitude	.....°	.....'	....."	East

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

NOTE: A DETAILED MAP OF THE PROPOSED RECREATIONAL USE AREA MUST BE ATTACHED TO THIS APPLICATION FORM

List generally any Problematic Issues Identified by the Applicant (How, where and when could the activity interact with and adversely affect the environment in a significant way)

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List every person who registered as an Interested and Affected Party (If too numerous, include as an annexure). Please provide copies of all the submissions made by the Interested and Affected Parties.

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What harm (both significant and otherwise) to the environment could be reasonably foreseeable

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Remedial and/or Mitigation Measures (If harm to the environment is authorised in law or unavoidable, then state precisely how the harm will be mitigated or remedied)

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Critical deadlines (Please indicate any critical deadlines you may have for this project and provide a detailed motivation as to why such deadlines are critical)

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D. Empowerment of Local Communities

How would designation of the coastal zone as a recreational use area benefit local communities, and in particular historically disadvantaged communities

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What measures are needed to be taken to ensure effective monitoring, compliance and enforcement of the Regulations

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G. Training and Development of Staff

What training and development initiatives intended for staff currently exist or will be implemented for the purposes of assisting in compliance and monitoring

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H. Regulating Conduct

Would users of the recreational use area be subject to any code of conduct or be required to adhere to certain requirements that will help ensure responsible and safe vehicle use in the coastal zone?

Provide details.

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What further or alternative measures will be put in place to ensure that persons who access the coastal zone using vehicles do not cause harm? Provide details.

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Consultants

If you intend making use of an independent external Environmental Consultant(s), provide the following:

Consultant's Name.....

Name of Lead Consultant / Project Manager.....

Postal Address	Telephone Number.....
.....	Cell Number.....
.....	Fax Number.....
.....	E-mail Address..... @.....

I. List of Specific Appendices

(These appendices must be included. Failure to include these appendices may result in the application being rejected)

Copy of 1:50 000 map of the relevant area (A4 size) including name of map

Detailed site plan

Declaration of Independence (from environmental consultant)

Plan of Study for Scoping

Scoping Report

Environmental Management Plan

J. Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation and declare that the information submitted with and in this application is true, correct and complete and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may result in the rejection of the application, or if the area was designated a recreational use area, the designation could be amended or revoked.

Signature of the applicant

Full Name
.....

Signed at (place) on the day of
in the year

THUS SIGNED IN MY PRESENCE

**Commissioner of
Oaths** _____

Full Name:

Designation:

Office:

Address:

If this application has been prepared or completed by or on the advice of any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

Full Name
.....

Signed at (place) on the day of
in the year

<p>NOTE</p> <p>Your application must be posted registered mail to, or handed in at Department of Environmental Affairs and Tourism: Marine and Coastal Management, Attention: The Director General (c/o Shaheen Moolla), 7th Floor, Foretrust Building, Martin Hammerslag Way, Foreshore, Cape Town, 8001.</p> <p>PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS</p>
--

ANNEXURE 6a

**PROVINCIAL AUTHORITY/MANAGER
OF COASTAL PROTECTED
AREA/LOCAL AUTHORITY**

Private Bag X _____, _____, Tel: _____ Fax: _____

Contact Person: _____

Application to _____ in terms of Regulation 6 of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone (Government Notice No.1399 of 21 December 2001) ("the Regulations")

APPLICATION FOR A PERMIT FOR THE PURPOSES OF SCIENTIFIC RESEARCH

For official use:	Application no. V/.....
	Date received.....
	National.....Provincial.....Local.....Manager.....
	Designated officer.....
	Activity.....

- CHECKLIST FOR APPLICANT: HAVE YOU --**
- 1. Read the IMPORTANT instructions below?**
 - 2. Completed this application form in full and adhered to all the requirements?**
 - 3. Provided all the documents and information specifically required under paragraph 4 of the INSTRUCTIONS?**
 - 5. Signed the application form and had your signature commissioned before a Commissioner of Oaths?**

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a permit under regulation 6(3)(a) must complete this application form. This application form **must be completed in full**. This application form requires the *minimum information required for the consideration of an application*. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. **A failure to adhere to this requirement will result in the application being refused.**
2. The submission of this application form **must be accompanied by the stipulated application fee applicable for this application (See Fees Table below)**. **A failure to adhere to this requirement will result in the application being refused.**
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for a permit, the relevant authority is under no obligation to seek out or request further information so as to consider an application.
4. The following proof and/or documentation **must be provided**. **Failure to provide this information could result in the application being rejected.**
 - 4.1 A detailed map of the proposed area;
 - 4.2 A detailed site plan of the proposed area;
 - 4.3 A plan of study for the scoping;
 - 4.4 The scoping report;
 - 4.5 An Environmental Management Plan;
 - 4.6 The declaration of independence by the environmental consultant (if one was used); and
 - 4.7 A complete list of all the Interested and Affected Parties and copies of their respective submissions.
5. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is

completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.

5. This application must be addressed to:

the manager of a coastal protected area, if the application relates to scientific research within that coastal protected area; alternatively

the applicable provincial authority.

Particulars of Applicant

Full name of applicant.....

Identity number of applicant

Address (physical).....

.....

Address (postal).....

.....

Telephone Number (work):.....Telephone Number (home).....

Cell phone Number.....Fax Number.....

E-Mail address.....

Critical deadlines (Please indicate any critical deadlines you may for this project and provide detailed motivation as to why such deadlines are critical)

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I DESCRIPTION OF ACTIVITY

The following must be provided:

- **Locality Map**, which clearly shows the site in relation to the surrounding area. The map must be of sufficient quality (1:50 000 scale, colour copy) to enable the Chief Directorate: Environmental Management to locate the site for the purposes of a site inspection.
- **Route Plan**, indicating the proposed research area, existing infrastructure, and any additional information that may be of assistance to the Chief Directorate: Environmental Management in making a decision.
- **Photographs** of the site and its surroundings (taken of the site and from the site). If available, please also provide a recent aerial photograph.
- Details of the **Organisation approving** the Research Proposal as well as the **approval certificate/letter**
- A copy of the Applicant's **drivers licence** or those of its relevant employees

1. Is this an existing research project or a new proposal?

--

2. Requirements to conduct the research

4x4 Vehicles	Yes	No
Provide brief description of type and amount of vehicle(s) required		
Provide estimate of expected traffic volumes, e.g. no of vehicles/trips per day, week, or month		
Which access to the coastal zone will be used and what route will be followed once within the coastal zone? Please provide map with detail of route.		

Other Equipment requirements	Yes	No
Provide brief description		

3. Please provide the following information regarding the extent of the research requirements

What is the estimated duration of the research project?
Indicate the area of the coastal zone that will be required for the research project
What will be the frequency of use of off-road vehicles on the coastal zone during the research period?

4. What is the size/extent of the project?

Is it limited to one stretch of coastal zone or to many? Please provide detailed information
Will research occur below the low water mark? Please provide detailed information
Will research occur above the high water mark? Please provide detailed information
Does an Admiralty Reserve exist in the proposed research area? If so, permission from the local municipality or Department of Public Works is required, which must be attached to this document. Please provide a map showing this zone and how far the research area will extend into this zone.
Will research extend into the dune systems and if so, to what extent? Please provide detailed information (e.g. will research only extend into the foredunes? Area of active littoral zone to be researched?)

5. Does the research have/entail any cultural or archaeological significance?

On site
On the surrounding coastal zone

6. You are required to advise all interested and affected parties ("I&APs") about the project (such as the neighbouring property owners, local municipality, all local coastal organisations, etc.). What are the comments of these I&APs? Please summarise and attach their written comments. Where concerns have been raised by I&APs, the applicant's response to these should also be attached. This information must be attached as an Appendix. **Please list below the appendixes that have been attached:**

7. Please describe any alternatives that are being considered (e.g. project site, access)?

Alternative	Description and Comments

8. Please provide details on the following environmental management procedures for your project or in your organisation, if available.

Item	Details and examples
How have environmental factors been taken into account in the requirements and activities of the project (e.g. location of research site, appropriateness of research methods to be employed)?	

Item	Details and examples
How have issues such as erosion or dune degradation prevention been taken into account in the project?	
What emergency plan is available for implementation in the event of an accident occurring, which may have a detrimental effect on the environment e.g. a break down of a vehicle with particular reference to oil/diesel/petrol/fluid spillage or an accident, involving other hazardous substances? Include emergency plan as an Appendix	
Does your organisation/company normally implement environmental management procedures during research projects?	

9. Please provide additional information on mitigation measures or recommendations to manage environmental impacts, should you wish to supplement the information given in response to any of the previous questions.

Element of Project	Control measures/ solutions to minimise impacts

II ENVIRONMENTAL CHARACTERISTICS

1. Please provide information in the table below for **ALL THREE** questions for **EVERY SENSITIVE FEATURE** listed below. Please note that it is not necessary to commission specialist studies to respond to this table.

1. Are any of the following located on or near the site earmarked for research (second column)? If yes provide brief explanation (sixth/last column)
2. If yes, indicate distance from the site (third column)
3. Has this information been verified (fourth column)? If yes, provide details (fifth column). Information can be verified through discussion with the relevant authorities, published scientific papers/knowledge, local agricultural extension officers, local nature conservation officers and other similar means.

Features of COASTLINE	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Foredune					
Steep slopes (>1:6)					
Waterlogged depressions					
Terrain consisting of any of the following:					
- Rocky outcrops					
- Rocky shores					
- Calcified dunes					
- Cliffs					

Features of COASTLINE	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Soil consisting of any of the following soil types:					
- Clay					
- Mud					
- Silt					
- Sand or					
- Gravel					
Unique geological or physical features					
Width of beach from LWM to base of fixed dunes > 10m					
Presence of:					
- Parallel dunes that are vegetated					
- Parallel dunes that are open sand					
Height of foredunes and backdunes > 2m					
Presence of dune blowouts					
Presence of an estuary and/or lagoon					

Features of ECOLOGICAL CHARACTERISTIC	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Areas occupied by indigenous vegetation such as:					
-Dune thicket					
-Coastal Forest					
-Swamp Forest					
-Mangrove swamp					
A habitat that is essential for the conservation of threatened plant or animal species.					
Presence of invasive alien plants					
Presence of vegetation occurring on the foredunes/banks of the estuary/lagoon. If yes, provide estimated % cover					
Is there a high presence of birds/animal communities on the research site?					
Breeding sites or migration routes of bird/animal species					

III INITIAL IDENTIFICATION OF ENVIRONMENTAL ISSUES

Please describe the environmental issues/concerns that have been identified in relation to the project. Environmental issues/concerns can be identified on the basis of the following:

1. The characteristics of the environment that could be affected by the activity (refer to information given in Section I and II).
2. Materials that are being used in the project during research (i.e. project inputs) (refer to information given in Section I).
3. Products, emissions (gaseous and liquid) and wastes produced by the project (i.e. project outputs) (refer to information given in Section I).

It should be noted that it is not necessary to assess the significance of these issues. The purpose of this question is to provide descriptive information on the environmental issues/concerns that are evident or known at this stage. Hence, it is sufficient to identify the environmental issue and to describe why it is of concern.

Environmental Issues/Concern	Y/N	Explanation/Comments
Is existing physical degradation of the local ecological environment present on the research site?		
Will the beach driving associated with the research activity alter any natural process(es) (e.g. sedimentation rates and patterns, salinity, wave and tidal action)?		
What type of and how many vehicles will be required or are anticipated to enter the coastal zone?		
What would the purpose of each vehicle be and how many persons would accompany each vehicle and for what purpose?		
Will the beach driving associated with the research activity impact on mobile sand dunes?		

Environmental Issues/Concern	Y/N	Explanation/Comments
Will the surface area, edge, annual run-off or depth of any coastal water body be affected by the beach driving associated with the research activity?		
Is there, or will there be, a % of trampling/disturbing/destroying of vegetation? Provide estimated %		
Will any vegetation be cleared for purposes of research activities?		
Will the beach driving and parking associated with the research activity impact on the aesthetic quality of the landscape?		
Will the beach driving associated with the research activity interfere with other types of recreational users on the coastal zone or any rights of individuals?		
Will any dune be destabilised by the access requirements of the beach driving associated with the research activity?		
Will the beach driving associated with the research activity impact any form of archaeological/paleontological/cultural feature? If yes, an Heritage/Amafa permit is required		

Environmental Issues/Concern	Y/N	Explanation/Comments
<p>Will the beach driving associated with the research method result in any of the following:</p> <ul style="list-style-type: none"> - increased noise levels through equipment/vehicles etc. If yes, what will be the duration of such increased noise levels and at what hours will this increase be experienced? - increased lighting levels through equipment/vehicles etc. If yes, what will be the duration of such increased lighting levels and at what hours will this increase be experienced? 		
<p>Will the beach driving associated with the research methods employed impact on other living organisms?</p>		
<p>Will the access route be affected by the research activity in any way (e.g. result in increased erosion)?</p>		
<p>Will the research activity negatively impact on any:</p> <ul style="list-style-type: none"> - economic activity - recreational activity - any rights of individuals 		
<p>Other</p>		

Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations. Further, should a permit be granted to me by the above authority, I shall consider myself bound by any condition or instruction in the permit or on any notice or sign board that exists in the recreational use area.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of Regulation 15.

I further acknowledge that a breach of any permit condition or instruction shall entitle the authority to withdraw any permit granted and I shall no longer be entitled to use a vehicle in the recreational use area.

Signature of the applicant

.....

Full Name

Signed at (place) on the day of in the year

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths _____

Full Name: _____

Designation: _____

Office: _____

Address: _____

If this application has been prepared or completed by or on the advice of any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party
.....

Full Name
.....

Signed at (place) on the day of in the
year.....

List of Required Appendices

Copy of 1:50 000 map of the relevant area (A4 size) including name of map

Detailed site plan

Declaration of Independence (from environmental consultant)

Plan of Study for Scoping

Scoping Report

Environmental Management Plan

NOTE

. Your application must be posted registered mail to the Department
_____, Attention _____:).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

FEES TABLE FOR SCIENTIFIC RESEARCH PERMITS

Applicant	Fee per Annum	Fee per Month	Fee per Day
Applicant for Scientific Research Permit	RXXXX	RXXX	RXX

ANNEXURE 6b



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

Private Bag X _____, _____, _____ Tel: _____ Fax: _____
 Name of Contact Person: _____

**Application to the Director-General of the Department of Environmental Affairs and Tourism
 in terms of Regulation 6(3)(b) of the Regulations published under section 44
 of the National Environmental Management Act, No. 107 of 1998:
 Control of Vehicles in the Coastal Zone:
 (Government Notice No. R1399 of 21 December 2001) ("the Regulations")**

**APPLICATION FOR A PERMIT FOR VEHICLE USE
 TO UNDERTAKE A NON-RECREATIONAL ACTIVITY
 APPROVED OF IN TERMS OF THE MARINE LIVING RESOURCES ACT,
 NO. 18 OF 1998**

CHECKLIST FOR APPLICANT: HAVE YOU –

1. Read the **IMPORTANT** instructions below?
2. Completed this application form in full and adhered to all the requirements?
3. Provided all the documents and information specifically required under paragraph 4 of the **INSTRUCTIONS**?
4. Provided a certified copy of a valid right, permit or exemption granted to the applicant under the Marine Living Resources Act of 1998?
5. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a permit under regulation 6(3)(b) must complete this application form. This application form **must be completed in full**. This application form requires the minimum information required for the consideration of an application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. **A failure to adhere to this requirement will result in the application being refused.**

2. The submission of this application form **must be accompanied by the stipulated application fee which is RXXX per annum (XXX Rand)**. A failure to adhere to this requirement will result in the application being refused.
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for exemption, the Director-General is under no obligation to seek out or request further information so as to consider an application.
4. The following proof and/or documentation **must be provided. Failure to provide this information could result in the application being rejected.**
 - 4.1 Proof that the Applicant has a right, permit or exemption (non-recreational activity) granted to it in terms of the Marine Living Resources Act of 1998
 - 4.2 A detailed map of the proposed area;
 - 4.3 A detailed site plan of the proposed area;
 - 4.4 A plan of study for the scoping;
 - 4.5 The scoping report;
 - 4.6 An Environmental Management Plan;
 - 4.7 The declaration of independence by the environmental consultant (if one was used); and
 - 4.8 A complete list of all the Interested and Affected Parties and copies of their respective submissions.
5. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.
6. This application must be addressed to the Director-General of the Department of Environmental Affairs and Tourism and handed in or posted to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 (Attention Shaheen Moolla).

A. PARTICULARS OF APPLICANT

Full name of applicant.....

Identity number of applicant.....

Address (physical).....

.....

Address (postal).....

.....

Telephone Number (work):.....Telephone Number (home).....

Cell phone Number.....Fax Number.....

E-Mail address.....

B. LOCATION OF AREA OF INTENDED ACCESS TO THE COASTAL ZONE

Province.....

Magisterial District(s).....

1 : 50 000 map name(s).....

Closest City/Town.....

Surrounding/adjacent land use(s).....

.....

.....

Exact description of extent of area(s) of intended access.....

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Exact description of point(s) of intended access to/from the coastal zone.....

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C. PARTICULARS REGARDING INTENDED VEHICLE USE IN THE COASTAL ZONE

Type of vehicle that is intended to be used in the coastal

zone.....
.....

Registration number(s) of vehicle(s) that are/is intended to be used in the coastal

zone.....
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.....

The purpose of the proposed vehicle use in the coastal zone.....

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.....
.....

The duration and frequency of the proposed vehicle use in the coastal zone

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.....

The number of persons that will accompany the applicant, and their respective status and purposes.....

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.....

D. MINIMISING OF HARM TO THE ENVIRONMENT

Describe the measures that the applicant will be taking to avoid harm to the environment during the applicant's intended use of a vehicle use in the coastal zone.....

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If some harm to the environment is unavoidable during the applicant's intended use of a vehicle use in the coastal zone, describe how such harm will be minimised and remedied.

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E. RIGHTS OF THE GENERAL PUBLIC TO ENJOY THE COASTAL ZONE

State why the proposed use of a vehicle in the coastal zone will not adversely and seriously effect any rights of the general public to enjoy the coastal zone.....

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F. COMPLIANCE WITH THE PROVISIONS OF SECTION 27(4) OF NEMA

Applicants are required to prove full compliance with the requirements of section 24(7) of the National Environmental Management Act of 1998. At a minimum, applicants must prove the following. Further details are discernable from the *"Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone"*.

- Investigation of the environment likely to be significantly affected by the proposed activity and alternatives thereto.
- Investigation of the potential impact, including cumulative effects, of the activity and its alternatives on the environment, socio-economic conditions and cultural heritage, and assessment of the significance of that potential impact.
- Investigation of mitigation measures to keep adverse impacts to a minimum, as well as the option of not implementing the activity.

- Public information and participation, independent review and conflict resolution in all phases of the investigation and assessment of impacts. The applicant must *design* an appropriate public information and participation process.
- Reporting on gaps in knowledge, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information.
- Investigation and formulation of arrangements for the monitoring and management of impacts, and the assessment of the effectiveness of such arrangements after their implementation.

Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations. Further, should a permit be granted to me by the above authority, I shall consider myself bound by any condition or instruction in the permit or on any notice or sign board that exists in the recreational use area.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of Regulation 15.

I further acknowledge that a breach of any permit condition or instruction shall entitle the authority to withdraw any permit granted and I shall no longer be entitled to use a vehicle in the recreational use area.

Signature of the applicant

.....

Full Name

.....

Signed at (place).....on theday of.....in the year.....

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths

Full Name

Designation

Office

Address

If this application has been prepared or completed by, or on the advice of, any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

.....

Full Name

.....

Signed at (place).....on theday of.....in the year.....

NOTE

Your application must be posted registered mail to, or handed in at the relevant authority. The application should be made to the Minister of Environmental Affairs and Tourism (c/o Shaheen Moolla, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

ANNEXURE 6c

PROVINCIAL AUTHORITY/MANAGER OF COASTAL PROTECTED AREA/LOCAL AUTHORITY

Private Bag _____, _____, Tel: _____ Fax: _____

Contact Person: _____

Application to _____ in terms of Regulation 6 of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone (Government Notice No.1399 of 21 December 2001) ("the Regulations")

APPLICATION FOR A PERMIT FOR THE PURPOSES OF CARRYING ON A RECREATIONAL ACTIVITY WITHIN A DESIGNATED A RECREATIONAL USE AREA

For official use:	Application no. /.....
	Date received.....
	National.....Provincial.....Local.....
	Manager.....
	Designated officer.....
	Activity.....

- CHECKLIST FOR APPLICANT: HAVE YOU -**
1. Read the **IMPORTANT** instructions below?
 2. Completed this application form in full and adhered to all the requirements?
 3. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a permit to carry on a recreational activity within a designated recreational use area under regulation 6(3)(c) must complete this application form. This application form **must be completed in full**. This application form requires the minimum information required for the consideration of an application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. **A failure to adhere to this requirement will result in the application being refused.**

2. The submission of this application form **must be accompanied by the stipulated application fee applicable for this application (See Fees Table below)**. **A failure to adhere to this requirement will result in the application being refused.**

3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for a permit, the relevant authority is under no obligation to seek out or request further information so as to consider an application.

4. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.

5. This application must be addressed to:
 - the manager of a coastal protected area, if the application relates to an access route within that coastal protected area; alternatively

 - the applicable provincial authority.

Particulars of applicant

Full name of applicant.....
Identity number of applicant.....

Address (physical).....

.....

Address (postal).....

.....

Telephone number (work).....Telephone number (home).....

Cellphone number.....Fax number.....

E-mail address.....

You must submit proof of payment of the application fee stipulated by the relevant provincial authority.

Location of coastal zone to which access is required

Provide a detailed statement regarding the location of the coastal zone to be accessed by vehicle

.....

.....

Province.....

Magisterial district(s).....

.....

Closest city/cities or town(s).....

.....

Surrounding and/or adjacent land use(s).....

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Particulars regarding intended vehicle use in the coastal zone

Type of vehicle(s) that is / are intended to be used in the coastal zone.....

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.....
Registration number(s) of vehicle(s) that is / are intended to be used in the coastal zone.....
.....
.....

The nature of the intended vehicle use in the coastal zone.....
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The duration (dates and times) of the intended vehicle use in the coastal zone.....
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The number of persons who will accompany the applicant, and their respective status and purposes.....
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Reasons why the permit is required

Please describe in detail the nature of the intended recreational use activity

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Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations. Further, should a permit be granted to me by the above authority, I shall consider myself bound by any condition or instruction in the permit or on any notice or sign board that exists in the recreational use area.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of Regulation 15.

I further acknowledge that a breach of any permit condition or instruction shall entitle to the authority to withdraw any permit granted and I shall no longer be entitled to use a vehicle in the recreational use area.

Signature of the applicant

.....

Full name

.....

Signed at (place).....on the.....day of.....in the year.....

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths

Full name

Designation

Office

Address

If this application has been prepared or completed by, or on the advice of, any person other than applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

.....

Full name

.....

Signed at (place).....on the.....day of.....in the year.....

NOTE

Your application must be posted registered mail to the Department _____, Attention _____).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

FEES TABLE FOR RECERATIONAL USE PERMITS

Purpose for application / Status of Applicant	Fee per Event	Fee per Annum	Fee per Month	Fee per Day
Disabled Person Applicants	N/A	RXXX	RXX	RX
Able Bodied Applicants	N/A	RXXXX	RXX	RX
Organised Recreational Sporting Event	RXXXXX	N/A	N/A	N/A

ANNEXURE 6d

PROVINCIAL AUTHORITY/MANAGER OF COASTAL PROTECTED AREA/LOCAL AUTHORITY

Private Bag X _____, _____, Tel: _____ Fax: _____

Contact Person: _____

Application to _____ in terms of Regulation 6 of the Regulations published in terms of section 44 of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone (Government Notice No.1399 of 21 December 2001) ("the Regulations")

APPLICATION FOR A PERMIT FOR THE PURPOSES OF A TOURISM BUSINESS

For official use:	Application no.V/.....
	Date received.....
	National.....Provincial.....Local.....Manager.....
	Designated officer.....
	Activity.....

CHECKLIST FOR APPLICANT: HAVE YOU -

1. Read the **IMPORTANT** instructions below?
2. Completed this application form in full and adhered to all the requirements?
3. Provided all the documents and information specifically required under paragraph 4 of the **INSTRUCTIONS**?
4. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a permit under regulation 6(3)(d) must complete this application form. This application form **must be completed in full**. This application form requires the minimum information required for the consideration of an application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. A failure to adhere to this requirement will result in the application being refused.

2. The submission of this application form **must be accompanied by the stipulated application fee which is RXXXXXX (XXXX Rand)**. A failure to adhere to this requirement will result in the application being refused.
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for a permit, the relevant authority is under no obligation to seek out or request further information so as to consider an application.
4. The following proof and/or documentation **must be provided**. Failure to provide this information could result in the application being rejected.
 - 4.1 A detailed map of the proposed area (1:50 000);
 - 4.2 A detailed site plan of the proposed area;
 - 4.3 A detailed route plan of proposed area;
 - 4.4 Photographs of proposed area, and especially of those areas containing sensitive areas;
 - 4.5 Certificates or badges of registration as tour guides of the applicable tour guides;
 - 4.6 All marketing material for the proposed tour;
 - 4.7 A plan of study for the scoping;
 - 4.8 The scoping report;
 - 4.9 An Environmental Management Plan;
 - 4.10 The declaration of independence by the environmental consultant (if one was used); and
 - 4.11 A complete list of all the Interested and Affected Parties and copies of their respective submissions.
5. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.

Particulars of Applicant

Name of Applicant..... Telephone
Number.....

Organisation / Club affiliated to (if any).....

Address.(postal)..... Cell phone Number.....

..... Fax Number.....

..... E-Mail Address.....

Address (physical).....

.....

.....

Name of contact person..... Telephone Number.....

Address..... Cell phone Number.....

..... Fax Number.....

..... E-Mail Address.....

Historically Disadvantaged Status of Applicant

Is the applicant an historically disadvantaged person? If yes, please provide proof thereof.

An historically disadvantaged person includes all South Africans that are black persons, females and / or disabled persons. With regard to legal entities, an historically disadvantaged person will include entities that are substantially owned and managed by black South Africans, female South Africans and / or disabled South Africans.

Critical deadlines (Please indicate any critical deadlines you may for this project and provide detailed motivation as to why such deadlines are critical)

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Consultants

I propose to make use of the following Environmental Consultant(s):

Company Name

Consultant Name

Postal Address Telephone Number.....
..... Cell Number.....
..... Fax Number.....
..... E-mail Address.....

I DESCRIPTION OF THE ACTIVITY

Please provide the following:

- A **Locality Map**, which clearly shows the tour in relation to the surrounding area. The map must be of sufficient quality (1:50 000 scale, colour copy) to enable the Chief Directorate: Environmental Management to follow the tour for the purposes of a tour inspection.
- A **Route Plan**, indicating the proposed route, access entrance, location of exit from coastal zone, existing infrastructure, and any additional information that may be of assistance to the Chief Directorate: Environmental Management in making a decision.
- Photographs of the route and its surroundings (taken of the route and from the route). If available, please also provide a recent aerial photograph.
- **Certificate or badge of Registration** from the Provincial Registrar (contact details of KwaZulu-Natal Registrar: fax: 031 3056693 or Email: kznta@iafrica.com) of the accompanying tourist guide.
- The **Marketing Material** for the proposed tour.

1. Is this an existing tour route, an extension of a tour route or a new proposal to be conducted by the business?

.....

2. Details of accreditation and/or affiliation to an organisation such as SATSA and / or Tourism (Province), if any.

3. What the requirements of the tour are:

4x4 Vehicles	Yes	No
Provide brief description of type and number of vehicle(s) required		
Size of vehicle(s) to be used within the Coastal Zone?		
State volume of traffic expected, e.g. trips per vehicle per day		
Registration number of vehicle(s) to be used?		
Maximum number of passengers the vehicle(s) can legally transport?		
Do you have a permit issued by the Provincial Public Transport Licensing Board in order to legally convey tourists to or from tourist attractions where tourists are accompanied by a tour guide, under the National Land Transport Act 22 of 2000? If so, please provide a copy	Yes	No
Ancillary vehicles requirements besides the passenger vehicle, e.g. trailers?	Yes	No
Provide brief description		
Are stops made within the Coastal Zone?	Yes	No

Provide brief description of reason for stop (e.g. historical site, place of interest)?			
Please provide brief description of the highlights of the tour?			
What facilities are made available to tourists during the tour route (e.g. ablution and refreshment facilities)?			
How is waste material generated during the tour operation disposed of and where?			
Frequency of tours undertaken on the route?			
Will or does the tour run throughout the year?			
		Yes	No
If not, provide brief description of active periods			

4. What does the route comprise?

Which access to and exit from the coastal zone will be used and what route will be followed once within the coastal zone? Please provide map with detail of route.		
Does the route pass any archaeological, historical or shell midden site?	Yes	No
Provide brief description		
Does the route pass through any Marine Reserve, Nature Reserve, National or World Heritage Site, Conservancy, Ramsar Site, Sensitive Coastal Area, Special Area or National Park?	Yes	No
Provide brief description		

5. What is the extent of the tour?

Will the tour route enter into the dune systems (primary and/or secondary dunes)? Please provide detailed information
Will any material/marine-associated items be removed from the coastal zone? If so, please provide permits

6. You are required to advise all interested and affected parties ("I&AP's") about the tour operation and route (such as the neighbours, local municipality, all local coastal organisations, etc.). What are the comments of these I&AP's? Please summarise and attach their written comments. Where concerns have been raised by I&AP's, the

applicant's response to these should also be attached. **Please list below the appendixes that have been attached:**

7. Please indicate whether any of the following will be a concern caused by the tour?

Item	Yes/No	Amount	Control measures/solutions to minimise environmental impacts
Noise			
Lighting (i.e. sunset tours or evening tours)			

8. Please describe any alternatives that are being considered (e.g. alternative route proposal, alternative access or exit to or from the coastal zone)?

Alternative	Description and Comments

9. Please provide details on the following environmental management procedures for the proposed tourist route or in your organisation, if available.

Item	Details and examples
How have environmental factors been taken into account in the planning and deciding of the tour route to be used (e.g. the route relative to nesting sites of marine birds, estuaries etc.)?	
How have issues such as erosion or dune degradation prevention been taken into account in the decided access and tour route?	
What measures are taken to ensure that marine bird life/fauna is not impacted (i.e. veering away from nesting sites etc.)?	
What measures are taken to reduce noise levels during the tour?	
What measures are taken to ensure that degradation of the shoreline and access route is kept to a minimum from the impact of the vehicles?	
What emergency plan is available for implementation in the event of a break down of the vehicle, with particular reference to oil/diesel/petrol/fluid spillage? Include emergency plan as an Appendix	
Does your organisation/company normally implement environmental management procedures during tour operations?	
What measures are in place to prevent or minimise trampling/disturbing/destroying of vegetation?	
What measures are taken to handle and dispose of waste generated on the site?	

10. Please provide additional information on mitigation measures or recommendations to manage environmental impacts, should you wish to supplement the information given in response to any of the previous questions.

Element of Project	Control measures/ solutions to minimise Impacts

II ENVIRONMENTAL CHARACTERISTICS

1. Please provide information in the table below for ALL THREE questions for EVERY SENSITIVE FEATURE listed below. Please note that it is not necessary to commission specialist studies to respond to this table.

- (a). Are any of the following located on or near the proposed route (second column) If yes provide brief explanation (sixth/last column)
- (b). If yes, indicate distance from the route (third column)
- (c). Has this information been verified (fourth column)? If yes, provide details (fifth column). Information can be verified through discussion with the relevant authorities, published scientific papers/knowledge, local agricultural extension officers, local nature conservation officers and other similar means.

Features of <u>COASTLINE</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Foredunes					
Steep slopes (>1:6)					
Waterlogged depressions					
Terrain consisting of any of the following:					
- Rocky outcrops					
- Rocky shores					
- Calcified dunes					
- Cliffs					

Features of <u>COASTLINE</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Soil consisting of any of the following types:					
- Clay					
- Mud					
- Silt					
- Sand or					
- Gravel					
Unique geological or physical features					
Width of beach from LWM to base of fixed dunes > 10m					
Presence of:					
- Parallel dunes that are vegetated					
- Parallel dunes that are open sand					
Height of foredunes and backdunes > 2m					
Presence of dune blowouts					
Presence of an estuary and/or lagoon					

Features of <u>COASTLINE</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Is the coastal zone of the tourist route in the process of:					
- Accreting					
- Eroding					
- Stable					

Features of <u>ECOLOGICAL CHARACTERISTIC</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Areas occupied by indigenous vegetation such as:					
-Dune thicket					
-Coastal Forest					
-Swamp Forest					
-Mangrove swamp					
A habitat that is essential for the conservation of threatened plant or animal species.					
Presence of invasive alien plants					

Features of <u>ECOLOGICAL</u> <u>CHARACTERISTIC</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Presence of vegetation occurring on the foredunes/banks of the estuary/lagoon. If yes, provide estimated % cover					
Is there a high presence of bird/ animal communities along the tourist route?					
Breeding sites or migration routes of bird/animal species					

Features of <u>LANDSCAPE</u> <u>CHARACTER</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Nearest designated Recreational Use Area i.t.o. ORV Regulations					
Area or site of special attraction e.g. Blackrock					

2. Please provide additional information on the environmental features of the site or the surroundings if you wish to supplement the details given in the above table.

III INITIAL IDENTIFICATION OF ENVIRONMENTAL ISSUES

Please describe the environmental issues/concerns that have been identified in relation to the proposed route. Environmental issues/concerns can be identified on the basis of the following characteristics of the environment that could be affected by the vehicular activity. (Refer to information given in Section II).

It should be noted that it is not necessary to assess the significance of these issues. The purpose of this question is to provide descriptive information on the environmental issues/concerns that are evident or known at this stage. Hence, it is sufficient to identify the environmental issue and to describe why it is of concern.

Environmental Issues/Concern	Y/N	Explanation/Comments
Is existing physical degradation of the local ecological environment present along the tourist route?		
Will the tourist route or maintenance of the tourist route impact on mobile sand dunes? Particularly relating to access of the coastal zone through the dune systems		
Will the edge of a wetland, estuary or river mouth be affected by the tourism and tour route activity?		
Is there, or will there be, a % of trampling/disturbing/destroying of vegetation? Provide estimated %		
Will any vegetation be cleared for vehicular access or tourist route purposes?		
Will the tourism route impact on the aesthetic quality of the landscape?		

Environmental Issues/Concern	Y/N	Explanation/Comments
Will the tourist route or activity interfere with other types of recreational users on the coastal zone or any rights of individuals?		
Will any dunes be destabilised by the access requirements of the route?		
Will any form of Archaeological/palaeontological/cultural feature be impacted by the research activity? If yes, an Amafa permit is required		
Will the tour route/activity result in any of the following:		
- increased noise levels through equipment/vehicles etc. If yes, what will be the duration of such increased noise levels and at what hours will this increase be experienced?		
- increased lighting levels through equipment/vehicles etc. If yes, what will be the duration of such increased lighting levels and at what hours will this increase be experienced?		
Will the access route be affected by increased utilisation of the route in any way (e.g. result in increased erosion)?		
Will the tour route/activity negatively impact on any:		
- Economic activity		
- Recreational activity		
- Any rights of individuals		
Other		

List of Required Appendices

Copy of 1:50 000 map of the relevant area (A4 size) including name of map

Detailed locality map

Detailed site plan

Detailed route plan

Declaration of Independence (from environmental consultant)

Photographs (as required)

Screening Document

Proof of lease agreement between operator and Municipality (if Municipality not applicant)

Comments from Municipality (if Municipality not applicant)

Photographs of the route and its surroundings (taken of the route and from the route)

If available, please also provide a recent aerial photograph.

Certificate or badge of Registration of the accompanying tourist guide

The Marketing Material for the proposed tour

Any Other Information the Applicant

Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in the terms of Government Notice No R1399 of 21 December 2001 and that any failure to comply with it may constitute an offence in terms of the Regulations. Further, should a permit be granted to me by the above authority, I shall consider myself bound by any condition or instruction in the permit or on any notice or sign board that exists in the recreational use area.

I confirm further that I have read and am aware of the content the document entitled "Policy Guidelines on the Implementation of Regulations Pertaining to the Prohibition of Vehicles in the Coastal Zone".

I, the undersigned, do hereby make oath / affirmation and declare that the information submitted with and in this application is true, correct and complete and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application, or lead to it being refused or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of regulation 15.

I further acknowledge that a breach of any permit condition or instruction shall entitle the authority to withdraw any permit granted and I shall no longer be entitled to use a vehicle in the recreational use area.

Signature of the applicant

.....

Full Name

.....

Signed at (place) on the day of..... in the year

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths _____

Full Name:

Designation:

Office:

Address:

If this application has been prepared or completed by or on the advice of any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

.....

Full Name

.....

....

Signed at (place) on the day of in the year.....

NOTE

. Your application must be posted registered mail to the Department
_____, Attention _____:).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

ANNEXURE 6e

**PROVINCIAL AUTHORITY/MANAGER OF
COASTAL PROTECTED AREA/LOCAL
AUTHORITY**

Private Bag X _____, _____, Tel: _____ Fax: _____

Contact Person: _____

Application to _____ in terms of Regulation 6 of the
Regulations published in terms of section 44 of the National
Environmental Management Act, 107 of 1998: Control of Vehicles in
the Coastal Zone (Government Notice No.1399 of 21 December 2001)
("the Regulations")

**APPLICATION FOR A PERMIT FOR THE PURPOSES OF ACCESSING
PRIVATE PROPERTY TO WHICH THE APPLICANT HAS A RIGHT IN
LAW TO ACCESS**

For official use:	Application no. /.....
	Date received.....
	National.....Provincial.....Local.....
	Manager.....
	Designated officer.....
	Activity.....

- CHECKLIST FOR APPLICANT: HAVE YOU -**
1. Read the **IMPORTANT** instructions below?
 2. Completed this application form in full and adhered to all the requirements?
 3. Provided all the documents and information specifically required under paragraph 4 of the **INSTRUCTIONS**?
 4. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a permit to gain access to private property under regulation 6(3)(e) must complete this application form. This application form **must be completed in full**. This application form requires the minimum information required for the consideration of an application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. **A failure to adhere to this requirement will result in the application being refused.**
2. The submission of this application form **must be accompanied by the stipulated application fee which is RXXXX per annum (XXXX Rand)**. **A failure to adhere to this requirement will result in the application being refused.**
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for a permit, the relevant authority is under no obligation to seek out or request further information so as to consider an application.
4. **The following proof and/or documentation must be provided. Failure to provide this information could result in the application being rejected.**
 - 4.1 Proof indicating that the person applying has a clear right to access or use the property concerned and that such right has been lawfully obtained;
 - 4.2 A map of the area on which the private property is located;
 - 4.3 A detailed site plan of the proposed access route to the private property;
 - 4.4 A plan of study for the scoping;
 - 4.5 The scoping report;
 - 4.6 An Environmental Management Plan;
 - 4.7 The declaration of independence by the environmental consultant (if one was used); and
 - 4.8 A complete list of all the Interested and Affected Parties and copies of their respective submissions.

5. Applicants **must** submit clear proof that they have a right to access the property concerned.

6. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.

7. This application must be addressed to:

the manager of a coastal protected area, if the application relates to an access route within that coastal protected area; alternatively

the applicable provincial authority.

Particulars of applicant

Full name of applicant.....

Identity number of applicant.....

Address (physical).....

.....

Address (postal).....

.....

Telephone number (work).....Telephone number (home).....

Cellphone number.....Fax number.....

E-mail address.....

Please submit proof of payment of the application fee stipulated by the relevant provincial authority.

Particulars regarding intended vehicle use in the coastal zone

Type of vehicle(s) that is / are intended to be used in the coastal zone.....

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.....
.....
Registration number(s) of vehicle(s) that is / are intended to be used in the coastal zone.....
.....
.....

The nature of the intended vehicle use in the coastal zone.....
.....
.....

The duration (dates and times) of the intended vehicle use in the coastal zone.....
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.....

The number of persons who will accompany the applicant, and their respective status and purposes.....
.....
.....

Reasons why the permit is required
Verify that there is no reasonable alternative road access to the property / properties to which access is required
.....
.....
.....

Please provide proof that the rights to occupy or use this property / these properties have been lawfully acquired
.....
.....
.....

Location of properties to which access is required, and of affected area(s) of the coastal zone

Erf numbers of the property / properties to which access is required.....

.....

Province.....

Magisterial district(s).....

1 : 50 000 map name(s).....

Closest city/cities or town(s).....

Surrounding and/or adjacent land use(s).....

.....

.....

Provide exact description of extent of area(s) of intended access to the coastal zone

.....

.....

Provide exact description of point(s) of intended access to / from the coastal zone

.....

.....

Does the coastal zone area to be traversed by vehicle contain any sensitive areas. If so provide details of such areas

.....

.....

Minimising of harm to the environment

Describe the measures that the applicant will be taking to avoid and / or minimise harm to the environment, during the applicant's intended vehicle use in the coastal zone

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If harm to the environment is unavoidable during the applicant's intended vehicle use in the coastal zone, describe how such harm will be minimised, and be remedied.....

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Rights of the general public to enjoy the coastal zone

Provide proof that the applicant's intended vehicle use in the coastal zone will not adversely and seriously affect any rights of the general public to enjoy the coastal zone.....

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Compliance with Section 24(7) of NEMA

Applicants are required to prove full compliance with the requirements of section 24(7) of the National Environmental Management Act of 1998. At a minimum, applicants must prove the following. Further details are discernable from the *“Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone”*.

- Investigation of the environment likely to be significantly affected by the proposed activity and alternatives thereto.
- Investigation of the potential impact, including cumulative effects, of the activity and its alternatives on the environment, socio-economic conditions and cultural heritage, and assessment of the significance of that potential impact.
- Investigation of mitigation measures to keep adverse impacts to a minimum, as well as the option of not implementing the activity.
- Public information and participation, independent review and conflict resolution in all phases of the investigation and assessment of impacts. The applicant must *design* an appropriate public information and participation process.
- Reporting on gaps in knowledge, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information.
- Investigation and formulation of arrangements for the monitoring and management of impacts, and the assessment of the effectiveness of such arrangements after their implementation.
- ensure that the environmental impacts of vehicle use are monitored in order to ensure that such use is environmentally sustainable.

Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations. Further, should a permit be granted to me by the above authority, I shall consider myself bound by any condition or instruction in the permit or on any notice or sign board that exists in the recreational use area.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of Regulation 15.

I further acknowledge that a breach of any permit condition or instruction shall entitle the authority to withdraw any permit granted and I shall no longer be entitled to use a vehicle in the recreational use area.

Signature of the applicant

.....

Full name

.....

Signed at (place).....on the.....day of.....in the year.....

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths

Full name

Designation

Office

Address

If this application has been prepared or completed by, or on the advice of, any person other than applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

.....

Full name

.....

Signed at (place).....on the.....day of.....in the year.....

NOTE

Your application must be posted registered mail to the Department _____, Attention _____).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

ANNEXURE 7

Name of Province / Local Authority / Manager of a Coastal Protected Area

Private Bag X _____, _____, Tel: _____ Fax: _____

Name of Contact Person: _____

Application to _____ in terms of Regulation 7 published in terms of the Regulations under section 44 of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone (Government Notice No.1399) ("the Regulations")

APPLICATION: LICENCE FOR THE PURPOSES OF OPERATING A BOAT-LAUNCHING SITE

CHECKLIST FOR APPLICANT: HAVE YOU –

1. Read the **IMPORTANT** instructions below?
2. Completed this application form in full and adhered to all the requirements?
3. Provided all the documents and information specifically required under paragraph 4 of the **INSTRUCTIONS**?
4. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. Any applicant wishing to apply for a licence for the purpose of operating a boat-launching site under regulation 7 must complete this application form. This application form **must be completed in full**. This application form requires the minimum information required for the consideration of an application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures. A failure to adhere to this requirement will result in the application being refused.

2. The submission of this application form **must be accompanied by the stipulated application fee which is RXXXX per 36 months (3 years) (XXXX Rand)**. A failure to adhere to this requirement will result in the application being refused.
3. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for exemption, the relevant authority is under no obligation to seek out or request further information so as to consider an application.
4. The following proof and/or documentation **must be provided**. Failure to provide this information could result in the application being rejected.
 - 4.1 Proof indicating that the person applying on behalf of the entity responsible for managing and controlling access to the launch site is duly authorised to make such an application. **Note that a failure to provide such proof will result in the application being refused;**
 - 4.2 A detailed map of the proposed area;
 - 4.3 A detailed site plan of the proposed area;
 - 4.4 A plan of study for the scoping;
 - 4.5 The scoping report;
 - 4.6 An Environmental Management Plan;
 - 4.7 The declaration of independence by the environmental consultant (if one was used); and
 - 4.8 A complete list of all the Interested and Affected Parties and copies of their respective submissions.
5. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.
6. This application must be addressed to:

the manager of a coastal protected area, if the application relates to a boat-launching site within that coastal protected area; alternatively

the applicable provincial authority.
Particulars of Applicant / Operator

Name of Applicant..... Telephone
 Number.....
 Organisation / Club affiliated to (if any)

Address.(postal)..... Cell phone Number.....
 Fax Number.....
 E-Mail Address.....

Address.(physical).....

Name of contact person..... Telephone Number.....
 Address..... Cell phone Number.....
 Fax Number.....
 E-Mail Address.....

Name of Boat-launching site

.....

Location of Boat-launching site

Province.....Magisterial District.....
 Extent of site
 Erf name and number (if any)
 1 : 50 000 map name.....
 Closest City/Town
 Surrounding land use.....
 Co-ordinates of Boat-launching site

from

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

to

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

Co-ordinates of entry to coastal zone

Latitude	.....°	.....'	....."	South
Longitude	.....°	.....'	....."	East

Distance between access point and boat-launching point
 Description of above access point / entry into the coastal zone

Name of nearest boat launching sites

.....
Co-ordinates of nearest other boat-launching sites

Latitude	.....^o	.....'	....."	South
Longitude	.....^o	.....'	....."	East

Latitude	.....^o	.....'	....."	South
Longitude	.....^o	.....'	....."	East

List generally any Problematic Issues Identified by the Applicant (How, where and when could the activity interact and affect the environment significantly)

.....

List the affected parties (If too numerous, include as an annexure)

.....

What harm (both significant and otherwise) to the environment could be reasonably foreseeable

.....

Remedial and/or Mitigation Measures (If harm to the environment is authorized in law or unavoidable, then state precisely how the harm will be mitigated or remedied)

.....

Critical deadlines (Please indicate any critical deadlines you may for this project and provide detailed motivation as to why such deadlines are critical)

.....

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.....

.....

I DESCRIPTION OF ACTIVITY

Unless you are suitably qualified and competent to complete the following you must appoint an independent consultant to undertake the investigation and other procedures necessary.

- The applicant must provide the following:**
- **A Locality Map**, which clearly shows the boat-launching site in relation to the surrounding area. The map must be of sufficient quality (1:50 000 scale) to enable the Chief Directorate: Environmental Management to find the route to, as well as, the boat-launching site for the purposes of a site inspection.
 - **A Site Plan**, indicating the existing infrastructure and layout of the boat-launching site
 - **A Route Plan** (if any), indicating the proposed route, access entrance, location of boat-launching site, existing infrastructure, and any additional information that may be of assistance to the Chief Directorate: Environmental Management in making a decision.
 - **Photographs** of the boat-launching site and its surroundings (taken of the site and from the site). If available, please also provide a recent aerial photograph.
 - Proof of the **Lease Agreement** between the **Operator** of the Boat-launching site and the **Municipality** (if existing)
 - All **comments** received from the Municipality relating to the Boat-Launching Site
 - If this is a new boat-launching site, please provide the **Record of Decision** in terms of the Environment Conservation Act (Act No. 73 of 1989) and the amended EIA Regulations (Government Notice No. 670 of 10 May 2002)

1. Is this an existing boat-launching site, an upgrade, or a proposed boat-launching site?

--

2. Is this a historical/traditional boat-launching site? Please provide details.

3. Provide details of the organisation/club, if such organisation/club is the applicant for the licence to operate the boat-launching site.

4. Provide a description of the current use of the site, and a profile of current users.

5. Provide details of opportunities for multiple use of the site.

6. What does the boat-launching site comprise?

Buildings and storage facilities	Yes	No
Provide brief description		
Municipal services (e.g. water and power supply?)	Yes	No
Provide brief description		

Infrastructure (e.g. access road, parking facilities?)	Yes	No
Provide brief description		
What type of structures are/will be situated below the high water mark?		
Provide brief description		
Maximum number of parking bays for vehicles, trailers and boats respectively?		
Vehicles:	Trailers:	Boats:
Existing access road?	Yes	No
Provide brief description (e.g. substrate of- and angle of slope of access road etc.)		
If no existing access road, attach plans and route of proposed access road		
Provide brief description (e.g. proposed substrate, width, drainage, erosion preventative measures, angle of slope etc.)		
Which access to and exit from the coastal zone will be used (if any) and what route will be followed once within the coastal zone? Please provide map with detail of route.		

Does the route within the coastal zone (if any) pass through any Marine Reserve, Nature Reserve, National or World Heritage Site, Conservancy, Special Area, Sensitive Coastal Area?	Yes	No
Provide brief description		
Are public facilities available?	Yes	No
Provide brief description		
Are emergency facilities available?	Yes	No
Provide brief description		

7. Management of the site

Are buildings and structures maintained on a regular basis?	Yes	No
Provide brief description		
Are facilities/amenities maintained on a regular basis?	Yes	No
Provide brief description		
Is there a refuse/waste removal programme?	Yes	No
Provide brief description		

What safety measures are available and what procedures are/will be put in place to ensure this? (e.g. for the public, equipment, property, etc.)		
Provide brief description		
Are measures in place to manage/co-ordinate the different user groups of the boat-launching site?	Yes	No
Provide brief description		
Are emergency procedures available:		
In the event of an accident and/or endangered human life?	Yes	No
In the event of a spillage of hazardous substances such as oil, chemicals etc.?	Yes	No
If yes, please attach such procedures to the application form		
Has the carrying capacity of the boat-launching site been determined?	Yes	No
If not, are there any traffic volume statistics available?	Yes	No
If not, what measures will be implemented to obtain such statistics?		
Provide brief description		
Have the off shore marine resource constraints/limitations been determined? If not, what measures will be implemented to determine/monitor such limitations?	Yes	No
Provide brief description		
Is there an Operational Management Plan for the boat-launching site?	Yes	No

If Yes, please include this as an appendix to the Application Form

8. What is the surrounding land use?

9. If the site is located on or near the Admiralty Reserve (Government Reserve) or access to the site is gained through the Admiralty Reserve, please provide details of measures to formalise the use of the Admiralty Reserve.

10. You are required to advise all interested and affected parties ("I&APs") about the boat-launching site and route (if any) (such as the neighbours, local municipality, all local coastal organisations, etc.). What are the comments of these I&APs? Please summarise these comments and attach with their written comments. Where I&APs have raised concerns, the applicant's response to these should also be attached. This information must be attached as an Appendix. **Please list below the appendixes that have been attached:**

11. Please describe any alternatives that are being considered (e.g. alternative site proposal, alternative access or exit to or from the coastal zone)?

Alternative	Description and Comments

12. Please provide details on the following environmental management procedures for the boat-launching site, if available.

Item	Details and examples
How have environmental factors been taken into account in the planning, site-layout and access route to the launch site?	
How have issues such as erosion been taken into account in the decided boat-launching site and access route?	
What measures are taken to minimize impact on marine bird life/fauna? (I.e. avoiding nesting sites etc.)	
What measures are taken to ensure that degradation of the shoreline and access route is kept to a minimum from the impact of the vehicles?	
What measures are in place to prevent or minimise trampling/disturbing/destroying of vegetation?	
What measures are taken to handle and dispose of waste generated on the site?	
What measures are in place to monitor catches?	

13. Please provide additional information on mitigation measures or recommendations to manage environmental impacts, should you wish to supplement the information given in response to any of the previous questions.

Element of Project	Control measures/ solutions to minimise impacts

II ENVIRONMENTAL CHARACTERISTICS

Unless you are suitably qualified and competent to complete the following you must appoint an independent consultant to undertake the investigation and other procedures necessary.

1 Please provide information in the table below for **ALL THREE** questions for **EVERY SENSITIVE FEATURE** listed below. Please note that it is not necessary to commission specialist studies to respond to this table.

1. Are any of the following located on or near the proposed boat-launching site (second column)? If yes provide brief explanation (sixth/last column)
2. If yes, indicate distance from the site (third column)
3. Has this information been verified (fourth column)? If yes, provide details (fifth column). Information can be verified through discussion with the relevant authorities, published scientific papers/knowledge, local agricultural extension officers, local nature conservation officers and other similar means.

Features of <u>COASTLINE</u>	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Foredunes					
Steep slopes (>1:6)					
Terrain consisting of any of the following:					
- Rocky outcrops					
- Rocky shores					
- Calcified dunes					
- Cliffs					

Features of COASTLINE	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Substrate consisting of any of the following types:					
- Clay					
- Mud					
- Silt					
- Sand or					
- Gravel					
Sand particle size					
Unique geological or physical features					
Width of beach from LWM to base of fixed dunes > 10m					
Presence of:					
- Parallel dunes that are vegetated					
- Parallel dunes that are open sand					
Height of foredunes and backdunes > 2m					
Presence of dune blowouts					

Features of COASTLINE	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Presence of an estuary and/or lagoon					
Is the coastal zone in the process of:					
- Accreting					
- Eroding					
- Stable					

Features of ECOLOGICAL CHARACTERISTIC	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Areas occupied by indigenous vegetation such as:					
-Dune thicket					
-Coastal Forest					
-Swamp Forest					
-Mangrove Swamp					
A habitat that is essential for the conservation of threatened plant or animal species.					
Presence of invasive alien plants					

Features of ECOLOGICAL CHARACTERISTIC	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Presence of vegetation occurring on the foredunes/banks of the estuary/lagoon. If yes, provide estimated % cover					
Is there a high presence of bird/ animal communities?					
Are there breeding sites or migration routes of bird/animal species?					

Features of LANDSCAPE CHARACTER	Y/N	Distance (m)	Verified		Explanatory comments
			Y/N	By whom	
Nearest designated Recreational Use Area i.t.o. ORV Regulations					
Is there an area or site of special attraction e.g. Blackrock					

2. Please provide additional information on the environmental features of the site or the surroundings if you wish to supplement the details given in the above table.

III INITIAL IDENTIFICATION OF ENVIRONMENTAL ISSUES

Unless you are suitably qualified and competent to complete the following you must appoint an independent consultant to undertake the investigation and other procedures necessary.

Please describe the environmental issues/concerns that have been identified in relation to the proposed site. Environmental issues/concerns can be identified on the basis of the following characteristics of the environment that could be affected by the vehicular activity. (Refer to information given in Section I and II).

It should be noted that it is not necessary to assess the significance of these issues. The purpose of this question is to provide descriptive information on the environmental issues/concerns that are evident or known at this stage. Hence, it is sufficient to identify the environmental issue and to describe why it is of concern.

Environmental Issues/Concern	Y/N	Explanation/Comments
Is existing physical degradation of the local ecological environment present at or near the boat-launching site?		
Does the boat-launching site or maintenance of any associated feature thereof impact on mobile sand dunes? Particularly relating to access of the coastal zone (if any) through the dune systems		
Is the edge of a wetland, estuary or river mouth be affected by the construction/presence of the boat-launching site and/or associated activities?		
Is there a % of trampling/disturbing/destroying of vegetation? Provide estimated %		
Does the boat-launching site impact on the aesthetic quality of the landscape?		

Environmental Issues/Concern	Y/N	Explanation/Comments
Does the boat-launching site and its associated activities interfere with other types of recreational users on the coastal zone or any rights of individuals?		
Are any dunes destabilised by the access requirements to the boat-launching site?		
Is any form of Archaeological/ palaeontological/ cultural feature impacted by presence of the boat-launching site and/or associated activities? If yes, Heritage/Amafa approval is required		
Is the surrounding coastal dune system affected by the boat-launching site and its associated activities in any way (e.g. result in increased erosion)?		
Does the boat-launching site and its associated activities negatively impact on any:		
- Economic activity		
- Recreational activity		
- Any rights of individuals		
Other		

IV LEGAL AND POLICY ISSUES

Unless you are suitably qualified and competent to complete the following you must appoint an independent consultant to undertake the investigation and other procedures necessary.

The boat-launching site may require permits from other authorities. If the response to any of the following questions is affirmative then you are advised to query the matter further with the relevant department in addition to submitting this checklist to the Chief Directorate: Environmental Management. If you are uncertain about the legislation that is applicable to your activity, please consult the relevant authority shown in the table.

Is the boat-launching site and access route subject to any municipal authorisations and/or conditions and/or by-laws (e.g. under the administration of the jurisdictional area of a municipality or in a designated protected natural area)? If yes, please provide a summary of permits, licences or approvals issued by municipalities, if any.

Authorisation	Y/N	Application submitted?		Application approved?	
		Y/N	Date	Y/N	Date
Marine Reserve					
Nature Reserve					
Sensitive Coastal Area					
World Heritage Site					
Other					

List of Appendices

- Copy of 1:50 000 map of the relevant area (A4 size) including name of map
- Detailed locality map
- Detailed site plan
- Detailed route plan
- Declaration of Independence (from environmental consultant)
- Photographs (as required)
- Screening Document

- Proof of lease agreement between operator and Municipality (if Municipality not applicant)
- Comments from Municipality (if Municipality not applicant)
- Others

Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a designation granted on the merits of this application in terms of Regulation 15.

Signature of the applicant

Full Name

Signed at (place) on the day of in the year

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths _____

Full Name: _____

Designation: _____

Office: _____

Address: _____

If this application has been prepared or completed by or on the advice of any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

Full Name

Signed at (place) on the day of in the year



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

Application to the Minister of Environmental Affairs and Tourism in terms of Regulation 22 (1) of the Regulations published in terms of section 44 of regulations in terms of the National Environmental Management Act, 107 of 1998: Control of Vehicles in the Coastal Zone: (Government Notice No. 1399 of 21 December 2001) ("the Regulations")

APPLICATION FOR AN EXEMPTION

CHECKLIST: APPLICANT HAVE YOU –

1. Placed an advertisement in a local newspaper?
2. Included a tearsheet proving that the advertisement was placed in the newspaper?
3. Attached a completed mobility assessment report, if you are an applicant who is a disabled person?
4. Provided all the information required in this application form?
5. Signed the application form and had your signature commissioned before a Commissioner of Oaths?

INSTRUCTIONS: You must read these.

1. The applicant must submit sufficient information to justify the granting of an exemption, and, if the applicant elects to use this form, **it must be completed in full**. This application requires the minimum information required for the consideration of an exemption application. Should an applicant believe it necessary, further information may be attached to this application as clearly marked annexures.
2. Any information required as annexures or attachments to this application **MUST** be provided. Failure to do so may result in the application being refused. In considering an application for exemption, the Minister is under no obligation to seek out or request further information so as to consider an application.

- 3. This application must be completed and signed by the applicant. The applicant's signature must be commissioned by a Commissioner of Oaths. If the application is completed by a third party (such as a consultant or legal representative), then this third party's details must **also** be provided as required in this application. A failure to adhere to this requirement could result in the application being refused.
- 4. Applicants are reminded that, and notwithstanding instruction 2 above, the failure to submit a copy of the tearsheet proving that the advertisement requirement under regulation 22(2) of the Regulations was satisfied **will result in the application being refused.**
- 5. This application must be addressed to the Minister of Environmental Affairs and Tourism and handed in or posted to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 (Attention Shaheen Moolla).

Particulars of applicant

Full name of applicant.....

Identity number of applicant.....

Address (physical).....

.....

Address (postal).....

.....

Telephone Number (work):.....Telephone Number (home).....

Cell phone Number.....Fax Number.....

E-Mail address.....

A. EXCEPTIONAL CIRCUMSTANCES (Part A is not applicable to disabled applicants)

Tick the applicable box as to the requirement from which the applicant seeks an exemption.

Environmental Assessment Licence Permit Other. If "other", then please provide details.

Please state precisely the reasons as to why the applicant seeks an exemption as opposed to applying for a permit, licence or carrying out an environmental assessment.

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B. DURATION

Please state the date(s) / period for which the exemption is sought

.....

Do any of the above nominated dates fall within a school holiday period or on public holidays?

If yes, provide details.....

C. ADVERTISEMENT

Details of notice published by the applicant

Newspaper(s) in which the notice was published.....

.....

.....

Date(s) on which the notice was published.....

.....

.....

Note: The applicant must attach a copy of this advertisement to the application. A failure to do so will render the application for exemption defective and will result in the application being rejected.

D. REASON FOR THE APPLICATION

Are you a disabled person? YES NO

If yes, then you must provide a medical report indicating the status of your *functional mobility*. A failure to do so will render your application defective and will result in the application being refused. Your medical practitioner should post Annexure A to the Minister of Environmental Affairs and Tourism (C/O Shaheen Moola, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001).

Describe in detail the nature of your disability

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If you are not a disabled person, then state in detail why you seek an exemption from the Regulations

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E. LOCATION OF AREA(S) OF INTENDED ACCESS TO THE COASTAL ZONE

Province.....

Magisterial District(s).....

1 : 50 000 map name(s).....

Closest City/Town.....

Surrounding/adjacent land use(s).....

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Exact description of extent of area(s) of intended access.....

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Exact description of point(s) of intended access to/from the coastal zone.....

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If some harm to the environment is unavoidable during the applicant's intended use of a vehicle use in the coastal zone, describe how such harm will be minimised and remedied.

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H. RIGHTS OF THE GENERAL PUBLIC TO ENJOY THE COASTAL ZONE

State why the proposed use of a vehicle in the coastal zone will not adversely and seriously effect any rights of the general public to enjoy the coastal zone.....

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I. THE PUBLIC INTEREST / EQUITABLE ACCESS FOR DISABLED PERSONS / PROTECTING THE ENVIRONMENT

Please state in detail why granting an exemption to the applicant would be in the public interest, or for the purpose of providing equitable access for disabled persons to the coastal zone, or in the interests of protecting the environment.

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Declaration By Applicant

I hereby confirm that I am fully aware of my responsibilities in terms of Government Notice No. R1399 of 21 December 2001, and that any failure to comply with it may constitute an offence in terms of the Regulations.

I confirm further that I have read and am aware of the content of the document entitled "Policy on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone". This document is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 9111) or it may be downloaded from the website www.environment.gov.za.

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application or lead to it being refused.

Signature of the applicant

.....

Full Name

.....

Signed at (place).....on theday of.....in the year.....

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths

Full Name

Designation

Office

Address

If this application has been prepared or completed by, or on the advice of, any person other than the applicant or an employee of the applicant, then this third party must complete the following:

Signature of the third party

.....

Full Name

.....

Signed at (place).....on theday of.....in the year.....

NOTE

Your application must be posted registered mail to, or handed in at the relevant authority. The application should be made to the Minister of Environmental Affairs and Tourism (c/o Shaheen Moolla, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001).

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS

ANNEXURE 9**Exemptions: Newspaper Advertisement**

Notice is hereby given that I, **[FULL NAME AND ADDRESS]** have applied to the Minister of Environmental Affairs and Tourism for an exemption in terms of regulation 22 of GN Regulation 1399 of 21 December 2001. This application for exemption has been made for the purposes of / on the grounds that **[INSERT REASONS AS TO WHY A VEHICLE IS REQUIRED IN THE COASTAL ZONE]** between **[DESCRIPTION OF AREA'S BOUNDARIES]**. I intend to use only the recognised access point at **[DESCRIPTION OF ACCESS POINT]**. I also intend to minimise my impact on the coastal zone and other coastal users by complying with any conditions which the Minister deems necessary.

Comments by interested and affected parties must be made in writing and delivered (whether by registered mail or hand delivery) to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town 8001 (Attention: Mr Shaun Schneier) within 14 (fourteen) days of the date of publication of the exemption notice. Comments may also be faxed to (021) 425-7324, attention Shaun Schneier.

ANNEXURE 10
Generic Permit Conditions

1. No vehicular access is allowed within 100m of the following environmentally sensitive areas:
 - a) mangrove forests², wetlands, salt marshes, estuaries, river mouths, or any other areas of fragile, rare, relict or vanishing vegetation;
 - b) wildlife sanctuaries and reserves;
 - c) unsuitable physical attributes of beaches or natural barriers such as rocky headlands, ledges, and wave-cut rocky platforms;
 - d) areas of fragile natural features or scientific interest, such as turtle nesting sites³ during nesting season (October-February), and threatened bird⁴ roosting and nesting sites;
 - e) areas where vehicular activity would adversely effect other users of natural areas, such as established swimming beaches; and
 - f) areas with unidentified or unexplored key ecological processes.
2. This exemption applies to one⁵ vehicle only.
3. This exemption is subject to regulation 2, which requires you, when using a vehicle in the coastal zone, to take all reasonable measures to avoid causing harm to the environment.
4. Apart from the vehicular access point(s) referred to above, no other site may be used to gain vehicular access to the coastal zone. After gaining access to the coastal zone at the vehicular access point(s) referred to above, vehicle use must be restricted to the coastal zone between the low- and high-water marks.
5. Only the vehicular access point(s) referred to above must be used to exit the coastal zone and no other sites may be used for this purpose.
6. Vehicle use is restricted to the period within three hours of low tide.
7. A maximum speed limit of 40 km per hour applies and care must be exercised so as not to endanger the safety and well-being of other persons in the coastal zone⁶.
8. This exemption must immediately be submitted upon request to any authorised officer in terms of regulation 17(c).

NOTES

1. There might be more than one area to which the applicant will be granted access.
2. Mangroves, for instance, are not an issue south or west of East London.
3. Turtle nesting sites, for instance, only applies to the KZN coast.
4. Where necessary, e.g., in the case of oyster catchers, more detailed or stringent conditions could be included, after consultation with appropriate experts.
5. In some cases, such as with angling competitions or filming, more than one vehicle might be allowed to drive on the beach in question, but only for the period required.
6. Where vehicles are permitted access to the coastal zone for the purposes of scientific research, exercising a non-recreational activity in terms of the Marine Living Resources Act of 1998, recreational use, accessing a private property or tourism, the applicant's vehicle(s) will be required to clearly display a certificate of authorisation that will be provided by the relevant authority.

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