

NOTICE 151 OF 2013**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT,
2008
(ACT NO. 24 OF 2008)****DRAFT MANAGEMENT OF PUBLIC LAUNCH SITES IN THE COASTAL ZONE REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention to make the Management of Public Launch Sites in the Coastal Zone Regulations, under section 83(1)(d)(i) and (o) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 (thirty) days after the publication of the notice in the *Gazette*, written representations or comments to the following addresses:

By post to: The Deputy Director-General: Department of Environmental Affairs
Oceans and Coasts Branch
Attention: Ryan Peter
PO Box 52126
V and A Waterfront
Cape Town
8002

By hand at: East Pier Building 2, East Pier Road, V and A Waterfront, Cape Town.

By e-mail: jpeter@environment.gov.za.

Any inquiries in connection with the notice can be directed to Ryan Peter at (021) 819 2490.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

"Act" means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"beach or surf launch site" means a natural location within the coastal zone, with no slipway, jetty or other construction or structure, where a vessel may be launched directly into the water and includes a natural location which can only be accessed by a slipway onto the coastal area;

"harbour" means a port or harbour proclaimed in terms of any law and managed by an organ of State;

"integrated management plan" has the meaning assigned to it in the World Heritage Convention Act, 1999 (Act No. 49 of 1999);

"management authority" means the organisation or authority appointed in terms of the National Environmental Management: Protected Areas Act, 2004 (Act No. 57 of 2004) or in terms of the World Heritage Convention Act, 1999 (Act No. 49 of 1999), to manage a coastal protected area including any authority or organisation who has been appointed or contracted to manage a coastal protected area in terms of section 14 of the Protected Areas Act or section 13 of the World Heritage Convention Act, 1999 (Act No. 49 of 1999);

"management body" means the organ of state identified by the MEC to manage a public launch site in terms of regulation 2;

"management plan" has the meaning assigned to it in the Protected Areas Act;

"privately used launch site" means a site -

- (a) constructed adjacent to or proximate to privately owned property;
- (b) used by the owner or occupiers of such property to launch a vessel in the coastal zone;
- (c) which is not for use by the general public;
- (d) where no fees or charges are imposed; and
- (e) excludes a beach or surf launch site.

"public launch site" means a site listed in terms of regulation 2 as a site where a vessel may be launched by members of the public in the coastal zone, but excludes a privately used launch site;

"vessel" has the meaning ascribed to it in the Act, but excludes non-motorised waterborne craft which do not require a vehicle or any other equipment to launch into the water.

2. Listing of public launch sites

(1) The MEC may by notice in the *Provincial Gazette*-

- (a) list public launch sites outside the boundaries of a protected area or a harbour, where a vessel may be launched;

- (b) determine a maximum daily, monthly or annual limit for the number of vehicles used to launch a vessel or vessels launching from each public launch site;
 - (c) determine the type or class of vessel which may be launched from a particular public launch site;
 - (d) impose any prohibitions or conditions relating to the use or management of a public launch site in general or, for any specific launch site;
 - (e) identify a management body responsible for managing the public launch site.
- (2) When listing a public launch site in terms of sub-regulation (1), the MEC shall consider the following criteria:
- (a) available parking near the public launch site;
 - (b) available ablution facilities;
 - (c) proximity to other public launch sites;
 - (d) whether the public launch site has a valid environmental authorisation, exemption or permission in terms of section 24G of the National Environmental Management Act;
 - (e) whether there is an environmental management plan;
 - (f) whether the public launch site is properly maintained and in a suitable physical state to launch vessels;
 - (g) whether the public launch site is safe for launching vessels; or
 - (h) any other relevant criteria.
- (3) A management body may in accordance with its applicable laws enter into a written agreement with or appoint any person to manage a public launch site on behalf of that management body. The management body shall remain responsible for the monitoring, compliance and enforcement at a public launch site.
- (4) A management authority in its management plan or integrated management plan shall identify public launch sites within a protected area including those sites which are adjacent to a protected area. The provisions of sub-regulation (1)(b), (c) and (d) shall *mutatis mutandis* apply to a management authority.
- (5) Any fee charged for access to a public launch site must be approved by the Minister in accordance with section 13 of the Act.
- (6) A public launch site listed in terms of sub-regulation (1) may be delisted either temporarily or permanently by the MEC by notice in the *Provincial Gazette* if:
- (a) the management body of the public launch site fails to comply with the general or specific conditions for that site;
 - (b) continued use of the site may have an adverse effect on the coastal environment; or

(c) the site has not been used for a period of one year.

3. Management of public launch sites

- (1) A management body may temporarily close a public launch site if-
 - (a) an emergency occurs;
 - (b) the site is unsafe to use; or
 - (c) continued use of a site may have an adverse effect on the coastal environment.
- (2) A management authority shall manage all sites identified in terms of regulation 2(4) in accordance with the management plan and shall have the powers and functions to manage such sites in accordance with the Protected Areas Act.

4. Offences and Penalties

- (1) Except in respect of a privately used launch site, no person shall launch a motorised vessel from a site which is not listed in terms of regulation 2(1) or 2(4).
- (2) No person shall access and use a public launch site in contravention of any of the conditions, prohibitions or restrictions specified in the *Gazette* notice published in terms of regulation 2(1) or specified in the management or any other notice or rule of a management authority in terms of regulation 3(2).
- (3) No person may attempt to access or use a public launch site which has been closed by a management body in terms of regulation 3(1) or a management authority in terms of regulation 3(2).
- (4) Any person who contravenes any provision of these regulations shall be guilty of an offence and liable on conviction to a fine up to a maximum of R500 000, or to imprisonment not exceeding two years, or to both such fine and such imprisonment.

5. Conflict and Repeal

- (1) These regulations will prevail if there is any conflict between any of the provisions in them and any other regulations, by-laws or other subordinate legislation relating to the use of vessels in the coastal zone made under any Act.
- (2) Regulation 7 of the Regulations for the Control of Use of Vehicles in the Coastal Zone, published in terms of the National Environmental Management Act and promulgated under Government Notice No. 1399 in *Gazette* 22960 of 21 December 2001 and Government Notice No. 1426 in *Gazette* 27066 of 7 December 2004 is hereby repealed.

6. Transitional Provisions

Any boat launch site licence issued under regulations repealed by these Regulations shall remain valid and shall be deemed to be a public launch site as if it had been listed in terms of these regulations, until a list of public launch sites has been published or identified in terms of these regulations.

7. Short title and Commencement

These regulations are called the Public Launch Site Regulations and commences on the date of publication in the *Gazette*.