



# Government Gazette

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## GOVERNMENT NOTICE

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 533

26 April 2004

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

#### PROPOSED AMENDMENT TO REGULATIONS PUBLISHED IN TERMS OF SECTION 44 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: CONTROL OF USE OF VEHICLES IN THE COASTAL ZONE

The Minister of Environmental Affairs and Tourism proposes to amend the regulations that control vehicle use in the coastal zone. In addition, the Minister has issued draft *Guidelines on the Implementation of Regulations Pertaining to the Control of Vehicles in the Coastal Zone: 2004*.

Members of the public are hereby invited to submit written comment on the proposed amendments and the Implementation Guideline. The draft documents are available at [www.deat.gov.za](http://www.deat.gov.za). Hard copies can be obtained at no cost at the –

- Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore Cape Town; and
- Offices of Marine Inspectors along the coast.

Members of the public must submit written comment by no later than 16h00 on 28 May 2004. Comments should be titled as follows:

**Comments: Draft Amendment to Regulations: Control of Use of Vehicles in the Coastal  
Zone**

**The Chief Director: Monitoring Control and Surveillance**

Comments may be –

- Hand delivered to the offices of Marine and Coastal Management at the above address;
- Posted to Private Bag X2, Roggebaai, 8012;
- E-mailed to [schneier@deat.gov.za](mailto:schneier@deat.gov.za); or
- Faxed to (021) 425-7324.

Should you have any telephonic enquiries, please do not hesitate to contact the Department at (021) 402-3911. Your enquiries may be directed at Mr Shaun Schneier.

## Schedule

### GENERAL EXPLANATORY NOTE:

[ ] Words in **ARIAL NARROW** and in **square brackets** indicate omissions from existing regulations.

\_\_\_\_\_ Words underlined indicate insertions in existing regulations.

### NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998 AMENDMENT TO REGULATIONS: GN REGULATION 1399 OF 21 DECEMBER 2001: CONTROL OF USE OF VEHICLES IN THE COASTAL ZONE

#### DRAFT AMENDMENT TO REGULATIONS

To amend the Regulations governing the control of vehicle use in the coastal zone, to further regulate permits and licence applications; and to provide for incidental matters.

#### Amendment of regulation 1 of GN Regulation 1399 of 21 December 2001

~~1.1.~~ Regulation 1 of GN Regulation 1399 of 21 December 2001 (“the Regulations”), is hereby amended by:

(a) the substitution of the definition of “boat launching site” with the following definition:

“ ‘boat launching site’ means a site where members of the public or members of organised clubs use vehicles to launch boats or other vessels into the sea or into an estuary, and “licensed boat-launching site” means a site that has a valid licence in terms of regulation 6;”;

(b) the insertion of the following definition:

“ ‘Deputy Director-General’ means the Deputy Director-General of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management;”;

(c) the substitution of the definition “estuary” with the following definition:

“ ‘estuary’ means a partially or fully enclosed body of water through which a river or fresh water source is open to the sea permanently or periodically, and in which the water level rises and falls as a result of the action of the tides whenever it is open to the sea, and / or within which sea water can be diluted to an extent which is measurable, with fresh water drained from land;”;

(d) the insertion of the following definition:

“ ‘MEC’ means the member of the executive committee responsible for environmental affairs in the provincial sphere of government;”;

(e) the substitution of the definition “public road” with the following definition:

“ ‘public road’ means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;”;

(f) the insertion of the following definition:

“ ‘private property’ does not include a property with unlawfully constructed buildings or improvements;”;

(g) the substitution of the definition “provincial authority” with the following definition:

“ ‘provincial authority’ means the head of the provincial department responsible for environmental affairs;”;

(h) the deletion of the definition “recreational use area”.

(i) the insertion of the following definition:

“ ‘tourism business’ means a commercial business using vehicles in the coastal zone, operated by a tour operator for the purpose of promoting and handling of tours and which employs tourist guides;

(j) the insertion of the following definition:

“ ‘tour operator’ means a natural or juristic person responsible for operating a tourism business;”;

(k) the insertion of the following definition:

“ ‘tourist guide’ means any person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments with regard to any matter.”

### Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations, is hereby substituted with the following:

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

stopped, to minimise and rectify such pollution or degradation of the environment at that person's own cost.

### **Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is hereby amended as follows:

- “(a) ...  
(b) is authorised in terms of a permit granted under regulation 5; or  
(c) is authorised in terms of an exemption granted by the Minister under regulation 19; or  
(d) is lawful in terms of regulation 21

### **Amendment of regulation 4 and renumbering of regulation 4(a)(vii) of the Regulations**

4. Regulation 4 of the Regulations, is hereby amended by the amendment of the following sub-regulations, the insertion of the following sub-regulation and sub-regulation 4(a)(vii) is renumbered as 4(a)(vi):

- “(a) the use by any person of any vehicle –  
  
(ii) on private land by the owner or with the permission of the owner or lawful occupier of that land;  
(b) the use of any vehicle within a boat-launching site in accordance with the licence issued in terms of regulation [7] 6 for that boat-launching site;  
(e) the use of a vehicle in the coastal zone by members of the National Sea Rescue Institute in the public interest.”

### **Deletion of regulation 5 of the Regulations**

5. Regulation 5 of the Regulations is deleted.

### **Amendment and renumbering of regulation 6 of the Regulations**

6. Regulation 6 of the Regulations is renumbered as regulation 5 and substituted with the following:

#### **“Permits to use vehicles in the coastal zone**

5 (1) A permit to use a vehicle in the coastal zone may be issued by the Deputy Director-General for the purpose of –

- (a) the carrying on of a non-recreational activity in terms of a right, permit or exemption granted under the Marine Living Resources Act, 18 of 1998;  
(b) scientific research;  
(c) the carrying on of a tourism business;  
(d) accessing private property provided there is no alternative access to the property;