



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NOTIFICATION TO CLARIFY PERMISSIBLE USE PROVISIONS FOR DRIVING IN THE COASTAL AREA WITHOUT THE NEED TO OBTAIN A PERMIT.

The purpose of this letter is to clarify the 'permissible use' provisions relating to driving in the coastal area under the *Control of Use of Vehicles in the Coastal Area Regulations* (GN R496 of 27 June 2014) (the "ORV Regulations"). This letter will specifically focus on **permissible uses** as they are set out in Regulation 3 of the ORV Regulations.

BACKGROUND

The Department has received numerous enquiries from persons driving in the coastal area as permissible uses in terms of Regulation 3 of the ORV Regulations. It appears there is some confusion as to when a permit is required and when vehicles can drive in the coastal area without a permit. This letter serves to clarify this.

NO ORV PERMIT AND NO DEPARTMENTAL LETTER IS REQUIRED IF A VEHICLE IS BEING USED FOR A PERMISSIBLE USE IN TERMS OF REGULATION 3.

A 'permissible use' under the ORV Regulations is the lawful use of a vehicle in the coastal area which is allowed without the need to obtain an ORV permit. In other words, an ORV permit or a letter from the Department is **not** required or obtained if you are undertaking a permissible use as set out in Regulation 3 of the ORV Regulations and includes the following:

- (a) the use by any person of a vehicle—
 - (i) on a public road;
 - (ii) on private land by the owner or with the written permission of the owner or lawful occupier of that land;
 - (iii) on a road within a coastal protected area where written permission has been granted by the management authority of that coastal protected area, or provided that such use is authorised in the protected area management plan or integrated management plan compiled by the management authority;
 - (iv) within a mining area as defined in section 1 of the Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
 - (v) in coastal public property within an operational harbour area that has already been physically modified from its original natural state; or

- (vi) in an emergency in order to safeguard human life or health, property or any aspect of the environment.
- (b) the use of a vehicle within a public launch site, or privately used launch site;
- (c) the use by a physically disabled person of an electrically propelled wheelchair that is specifically designed and manufactured for use by such person;
- (d) the use of a vehicle by an employee or agent of an organ of state acting in the course and scope of their employment or mandate, or by any person contracted by an organ of state, for the purposes of performing the public duties of that organ of state mandated by law; or
- (e) the use of a vehicle by members of the National Sea Rescue Institute for the purpose of performing the public duties of that organisation including authorised training exercises.

One of the permissible uses under Regulation 3 is the driving of a vehicle inside a “public launch site”. This is a site that has been listed by an MEC as a public launch site by notice in a Provincial Gazette in terms of the Public Launch Site Regulations (GN R 497 of 2014), as a site which allows a vehicle to be used to launch a vessel in the coastal area, but excludes a privately used launch site. To lawfully drive their vehicles in these sites, users are not required to obtain an ORV permit or any Departmental letter as it is a permissible use.

PERMISSIBLE USES AND ADHERING TO RULES OF PUBLIC LAUNCH SITES

Vehicles accessing public launch sites are subject to the conditions of vehicle use specified in the launch site operational plan for each public launch site. The driver of the vehicle is therefore responsible for obtaining the conditions of vehicular use of each public launch site from the relevant management body / authority before accessing the coastal area at such site. Users of those sites are therefore still required to adhere to its rules and limits.

This letter does not grant access to the privately used launch sites / private property without the permission of the relevant private launch site / property owner(s). The onus is on the driver of the vehicle to obtain such permission before using a vehicle at privately used launch sites.

DUTY TO AVOID ADVERSE IMPACTS TO THE COASTAL ENVIRONMENT

The Department reminds those driving in the coastal area as permissible uses in terms of Regulation 3 that in doing so, they are still under a duty to avoid causing adverse impacts to the coastal environment.

In terms of section 58(1) of the National Environmental Management: Integrated Coastal Management Act, read with section 28(1) of the National Environmental Management Act, every person who may cause significant pollution or degradation of the environment, including causing an adverse effect on the coastal environment, must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, 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.

A contravention of this duty may ultimately result in criminal sanctions in terms of National Environmental Management Act (NEMA), even against those who were driving under permissible uses.

PROVINCIAL DEPARTMENTS CONTACT DETAILS FOR QUERIES AND ASSISTANCE

We trust that the above information assists you in complying with the regulations and please feel free to contact the following people should you have any further queries in this regard:

KWAZULU-NATAL PROVINCE

Department of Economic Development, Tourism and Environmental Affairs (DEDT&EA)

Mr Omar Parak at 033 355 9438, e-mail - Omar.Parak@kzndae.gov.za

Mr Alfred Matsheke at 043 605 7256, e-mail - Alfred.Matsheke@kzndae.gov.za

EASTERN CAPE PROVINCE

Department of Economic Development and Environmental Affairs and Tourism

Ms Pumla Zazi at 043 605 7256, e-mail - phumla.mzazi@dedea.gov.za

Mr Sandiso Zide at 043 605 7256, e-mail - sandiso.zide@deaet.ecape.gov.za

Mr Xolani Nikelo at 043 605 7105, e-mail - Xolani.Nikelo@dedea.gov.za

Mr. Ricky Hannan at 043 707 4098, e-mail- Ricky.Hannan@dedea.gov.za

WESTERN CAPE PROVINCE

Department of Environmental Affairs and Development Planning (DEA&DP)

Ms leptieshaam Bekko at 021 483 3370, e-mail - leptieshaam.Bekko@westerncape.gov.za

Mr Ryan Apolles at 021 483 2817, e-mail - Ryan.Apolles@westerncape.gov.za

NORTHERN CAPE PROVINCE

Department of Environment and Nature Conservation (DENC)

Ms Wilna Oppel at 027 718 8801 E-mail: woppel.dtec@gmail.com

Mr Bronwen Cornelissen at 027 718 8800 E-mail: bronwen.dtec@gmail.com

Yours faithfully


CHIEF DIRECTOR: INTEGRATED COASTAL MANAGEMENT

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