



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 431

Pretoria, 29 May
Mei 2001

No. 22335



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS**INHOUD**

No.		Page No.	Gazette No.
GOVERNMENT AND GENERAL NOTICES			
Environmental Affairs and Tourism, Department of			
<i>Government Notices</i>			
408	National Parks Act (57/1976): Declaration of land to be part of the Marakele National Park.....	3	22335
409	do.: Declaration of land to be part of the Cape Peninsula National Park.....	4	22335
410	do.: do	5	22335
473	Marine Living Resources Act (18/1998): Declaration of area as marine protected area	6	22335
474	National Waste Management Strategy (NWMS) for sustainable development: Call for papers.....	13	22335
<i>General Notice</i>			
1401	National Environmental Management Act (107/1998): Invitation to comment on proposed Regulations: Control of vehi- cles in the coastal zone	15	22335

No.		Bladsy No.	Koerant No.
GOEWERMENTS- EN ALGEMENE KENNISGEWINGS			
Omgewingsake en Toerisme, Departement van			
<i>Goewermetskennisgewings</i>			
408	Wet op Nasionale Parke (57/1976): Verklaring van grond tot deel van die Marakele Nasionale Park.....	3	22335
409	do.: Verklaring van grond tot deel van die Kaapse Skiereiland Nasionale Park.....	4	22335
410	do.: do	5	22335
473	Wet op Lewende Mariene Hulpbronne (18/1998): Verklaring van gebied tot beskernde mariene gebied	9	22335
474	National Waste Management Strategy (NWMS) for sustainable development: Call for papers.....	13	22335
<i>Algemene Kennisgewing</i>			
1401	National Environmental Management Act (107/1998): Invitation to comment on proposed Regulations: Control of vehi- cles in the coastal zone	15	22335

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. 408**29 May 2001**

DECLARATION OF LAND IN TERMS OF THE NATIONAL PARKS ACT, 1976 (ACT No. 57 OF 1976), TO BE PART OF THE MARAKELE NATIONAL PARK

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, hereby declare by virtue of the powers vested in me by section 2B (1) (b) of the National Parks Act, 1976 (Act No. 57 of 1976), and subject to an agreement entered into between the South African National Parks (the Board), as well as the owner of the land defined in the Schedule, the mentioned land to be part of the Marakele National Park as a Schedule Two Contractual Park.

M.V. MOOSA**Minister of Environmental Affairs and Tourism**

SCHEDULE

- The remainder of the farm Hoopdaal 96, KQ, in extent 67,9290 hectares, held under title deed No. T21440/2001.
- Portion 5 of the farm Hoopdaal 96, KQ, in extent 421,3876 hectares, held under title deed No. T21441/2001.
- Portion 6 of the farm Hoopdaal 96, KQ, in extent 42,8266 hectares, held under title deed No. T21441/2001.
- Portion 7 of the farm Hoopdaal 96, KQ, in extent 192,2528 hectares, held under title deed No. T214441/2001.
- Portion 11 of the farm Hoopdaal 96, KQ, in extent 222,6003 hectares, held under title deed No. T21440/2001.
- Portion 19 of the farm Diamant 228, KQ, in extent 1284,7980 hectares, held under title deed No. T96214/1999.
- Portion 2 of the farm Klipdrift 231, KQ, in extent 873,6626 hectares, held under title deed No. T4635/2001.
- Portion 3 of the farm Klipdrift 231, KQ, in extent 873,6626 hectares, held under title deed No. T96214/1999.
- Portion 4 of the farm Klipdrift 231, KQ, in extent 873,6626 hectares, held under title deed No. T96214/1999.
- Portion 5 of the farm Klipdrift 231, KQ, in extent 873,6626 hectares, held under title deed No. T96214/1999.
- The remainder of the farm Waterval 267, KQ, in extent 1708,0761 hectares, held under title deed No. T3295/2001.
- The farm Retseh 594, KQ, in extent 878,9510 hectares, held under title deed No. T4806/2001.

No. 408**29 Mei 2001**

VERKLARING VAN GROND KRAGTENS DIE WET OP NASIONALE PARKE, 1976 (WET No. 57 VAN 1976), TOT DEEL VAN DIE MARAKELE NASIONALE PARK

Ek, Mohammed Valli Moosa, Minister van Omgewingsake en Toerisme, verklaar hierby kragtens die bevoegdheid aan my verleen deur artikel 2B (1) (b) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976), en kragtens 'n ooreenkoms aangegaan tussen die Suid-Afrikaanse Nasionale Parke (die Raad), sowel as die eienaar van die grond omskryf in die Bylae, die gemelde grond tot deel van die Marakele Nasionale Park as 'n Skedule Twee Kontraktuele Park.

M.V. MOOSA**Minister van Omgewingsake en Toerisme**

BYLAE

- Die restant van die plaas Hoopdaal 96, KQ, groot 67,9290 hektaar, gehou onder titelakte No. T21440/2001.
- Gedeelte 5 van die plaas Hoopdaal 96, KQ, groot 421,3876 hektaar, gehou onder titelakte No. T21441/2001.
- Gedeelte 6 van die plaas Hoopdaal 96, KQ, groot 42,8266 hektaar, gehou onder titelakte No. T21441/2001.
- Gedeelte 7 van die plaas Hoopdaal 96, KQ, groot 192,2528 hektaar, gehou onder titelakte No. T214441/2001.
- Gedeelte 11 van die plaas Hoopdaal 96, KQ, groot 222,6003 hektaar, gehou onder titelakte No. T21440/2001.
- Gedeelte 19 van die plaas Diamant 228, KQ, groot 1284,7980 hektaar, gehou onder titelakte No. T96214/1999.
- Gedeelte 2 van die plaas Klipdrift 231, KQ, groot 873,6626 hektaar, gehou onder titelakte No. T4635/2001.
- Gedeelte 3 van die plaas Klipdrift 231, KQ, groot 873,6626 hektaar, gehou onder titelakte No. T96214/1999.
- Gedeelte 4 van die plaas Klipdrift 231, KQ, groot 873,6626 hektaar, gehou onder titelakte No. T96214/1999.

- Gedeelte 5 van die plaas Klipdrift 231, KQ, groot 873,6626 hektaar, gehou onder titelakte No. T96214/1999.
- Die restant van die plaas Waterval 267, KQ, groot 1708,0761 hektaar, gehou onder titelakte No. T3295/2001.
- Die plaas Retseh 594, KQ, groot 878,9510 hektaar, gehou onder titelakte No. T4806/2001.

No. 409**29 May 2001**

**DECLARATION OF LAND IN TERMS OF THE NATIONAL PARKS ACT, 1976 (ACT No. 57 OF 1976),
TO BE PART OF THE CAPE PENINSULA NATIONAL PARK**

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, hereby declare by virtue of the powers vested in me by section 2A (1) (a) of the National Parks Act, 1976 (Act No. 57 of 1976), that—

- the land defined in the Schedule be part of the Cape Peninsula National Park; and
- amend Schedule 1 to the said Act by the addition to the definition of the said park of the description of the undermentioned properties.

M. V. MOOSA**Minister of Environmental Affairs and Tourism****SCHEDULE**

- Erf 12714, Cape Town, Province of the Western Cape, measuring 13,1012 (one three comma one zero one two) hectare, held by Deed of Transfer No. T1540/1911.
- Remainder of Erf 13072, Cape Town, Province of the Western Cape, measuring 33,2104 (three three comma two one zero four) hectare, held by Deed of Transfer No. T478/1894.
- Erf 14661, Cape Town, Province of the Western Cape, measuring 4 698 (four six nine eight) square metres, held by Deed of Transfer No. T1300/1931.
- Remainder of Erf 14662, Cape Town, Province of the Western Cape, measuring 30,9140 (three zero comma nine one four zero) hectare, held by Deed of Transfer No. T4476/1936.
- The farm Cecilia No. 884, Cape Registration Division, Province of the Western Cape, measuring 194,9371 (one nine four comma nine three seven one) hectare, held by Deed of Transfer No. T117/1950.
- The farm Tokai No. 908, Cape Registration Division, Province of the Western Cape, measuring 702,1237 (seven zero two comma one two three seven) hectare, held by Deed of Transfer No. G311/1954.

No. 409**29 Mei 2001**

**VERKLARING VAN GROND KRAGTENS DIE WET OP NASIONALE PARKE, 1976 (WET No. 57 VAN 1976),
TOT DEEL VAN DIE KAAPSE SKIEREILAND NASIONALE PARK**

Ek, Mohammed Valli Moosa, Minister van Omgewingsake en Toerisme verklaar hierby kragtens die bevoegdheid aan my verleen by artikel 2A (1) (a) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976), dat—

- die grond omskryf in die Bylae tot deel van die Kaapse Skiereiland Nasionale Park;
- wysig hierby Bylae 1 van die genoemde Wet deur die byvoeging van die omskrywing van voorgemelde park van die beskrywing van ondergenoemde eiendomme.

M. V. MOOSA**Minister van Omgewingsake en Toerisme****BYLAE**

- Erf 12714, Kaapstad, Provinsie Wes-Kaap, groot 13,1012 (een drie komma een nul een twee) ha, Oordragakte No. T1540/1911.
- Restant van Erf 13072, Kaapstad, Provinsie Wes-Kaap, groot 33,2104 (drie drie komma twee een nul vier) ha, Oordragakte No. T478/1894.
- Erf 14661, Kaapstad, Provinsie Wes-Kaap, groot 4 698 (vier ses nege agt) vierkante meter, Oordragakte No. T1300/1931.
- Restant van Erf 14662, Kaapstad, Provinsie Wes-Kaap, groot 30,9140 (drie nul komma nege een vier nul) ha, Oordragakte No. T4476/1936.
- Die plaas Cecilia No. 884, Registrasieafdeling, Provinsie Wes-Kaap, groot 194,9371 (een nege vier komma nege drie sewe een) ha, Oordragakte No. T117/1950.
- Die plaas Tokai No. 908, Registrasieafdeling, Provinsie Wes-Kaap, groot 702,1237 (sewe nul twee komma een twee drie sewe) ha, Oordragakte No. G311/1954.

No. 410**29 May 2001****DECLARATION OF LAND IN TERMS OF THE NATIONAL PARKS ACT, 1976 (ACT No. 57 OF 1976), TO BE PART OF THE CAPE PENINSULA NATIONAL PARK**

I Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism hereby declare by virtue of powers vested in me by section 2B (1) (b) of the National Parks Act, 1976 (Act No. 57 of 1976), and subject to an agreement entered into between the South African National Parks (the Board), as well as owners of the land defined in the Schedule, the mentioned land to be part of the Cape Peninsula National Park.

M. V. MOOSA**Minister of Environmental Affairs and Tourism****SCHEDULE**

- Portion 1 of Cape Farm 1047 in extent 1,700 ha—registered Title Deed T6759/1935.
- Erf 3366, Hout Bay in extent 249,9327 ha—held by T60024/97.
- Portion 1 of Erf 61, Simon's Town in extent 206,1068 ha—registered Title Deed T1560/1951.

No. 410**29 Mei 2001****VERKLARING VAN GROND KRAGTENS DIE WET OP NASIONALE PARKE, 1976 (WET No. 57 VAN 1976), TOT DEEL VAN DIE KAAPSE SKIEREILAND NASIONALE PARK**

Ek, Mohammed Valli Moosa, Minister van Omgewingsake en Toerisme, verklaar hierby kragtens die bevoegdheid aan my verleen by artikel 2B (1) (b) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976), en kragtens 'n ooreenkoms aangegaan tussen die Suid-Afrikaanse Nasionale Parke (die Raad), sowel as die eienaars van die grond in die Bylae omskryf, die gemelde grond tot deel van die Kaapse Skiereiland Nasionale Park.

M. V. MOOSA**Minister van Omgewingsake en Toerisme****BYLAE**

- Gedeelte 1 van Cape Farm 1047, groot 1,700 ha—geregistreerde Titellakte T6759/1935.
- Erf 3366, Houtbaai, groot 249,9327 ha, gehou deur Titellakte T60024/97.
- Gedeelte 1 van Erf 61, Simonstad, groot 206,1068 ha—geregistreerde Titellakte T1560/1951.

No. 473

29 May 2001

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**DECLARATION OF AREA AS MARINE PROTECTED AREA**

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, hereby under Section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"), declare the area as indicated in the Schedule to be a marine protected area and hereby assign to the marine protected area the name indicated in the Schedule.

MV MOOSA**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM****SCHEDULE**

1. (1) In this notice any word or expression to which a meaning has been assigned in the Act shall bear the meaning as assigned to it unless the context indicates otherwise.

(2) For the purposes of this notice all geographic co-ordinates are based on the World Geodetic System (WGS) 84 (G730) datum.

DESCRIPTION OF BOUNDARIES OF MARINE PROTECTED AREA

2. (1) The **Walker Bay Whale Sanctuary Marine Protected Area** in the Western Cape Province is the area enclosed by the following points:

The Westcliffe beacon 34°25'.782S; 19°13'.768E (34.4297S; 19.2295E) then east and south east along the coastline to a point onshore at Sopiesklip 34°27'.199S; 19°20'.119E (34.4533S; 19.3353E) then south east along the coastline to a point

north of the Gans Bay North breakwater 34°34'.681S; 19°20'.628E (34.578S; 19.3438E) to a point offshore of Sopiesklip 34°29'.65S; 19°16'.80E (34.4942S; 19.28E) to the Westcliffe beacon 34°25'.782S; 19°13'.768E (34.4297S; 19.2295E).

(2) The **Walker Bay Whale Sanctuary Marine Protected Area** comprises the following zones (See Annexure A):

(a) A **Whale Sanctuary Area** enclosed by the following points:

The Westcliffe beacon 34°25'.782S; 19°13'.768E (34.4297S; 19.2295E) then east and south east along the coastline to a point onshore at Sopiesklip 34°27'.199S; 19°20'.119E (34.4533S; 19.3353E) to a point offshore of Sopiesklip 34°29'.65S; 19°16'.80E (34.4942S; 19.28E) to the Westcliffe beacon 34°25'.782S; 19°13'.768E (34.4297S; 19.2295E).

(b) A **Restricted Area** enclosed by the following points:

A point onshore at Sopiesklip 34°27'.199S; 19°20'.119E (34.4533S; 19.3353E) then south east along the coastline to a point north of the Gans Bay North breakwater 34°34'.681S; 19°20'.628E (34.578S; 19.3438E) to a point offshore of Sopiesklip 34°29'.65S; 19°16'.80E (34.4942S; 19.28E) to a point onshore at Sopiesklip 34°27'.199S; 19°20'.119E (34.4533S; 19.3353E).

STIPULATIONS: MARINE PROTECTED AREA

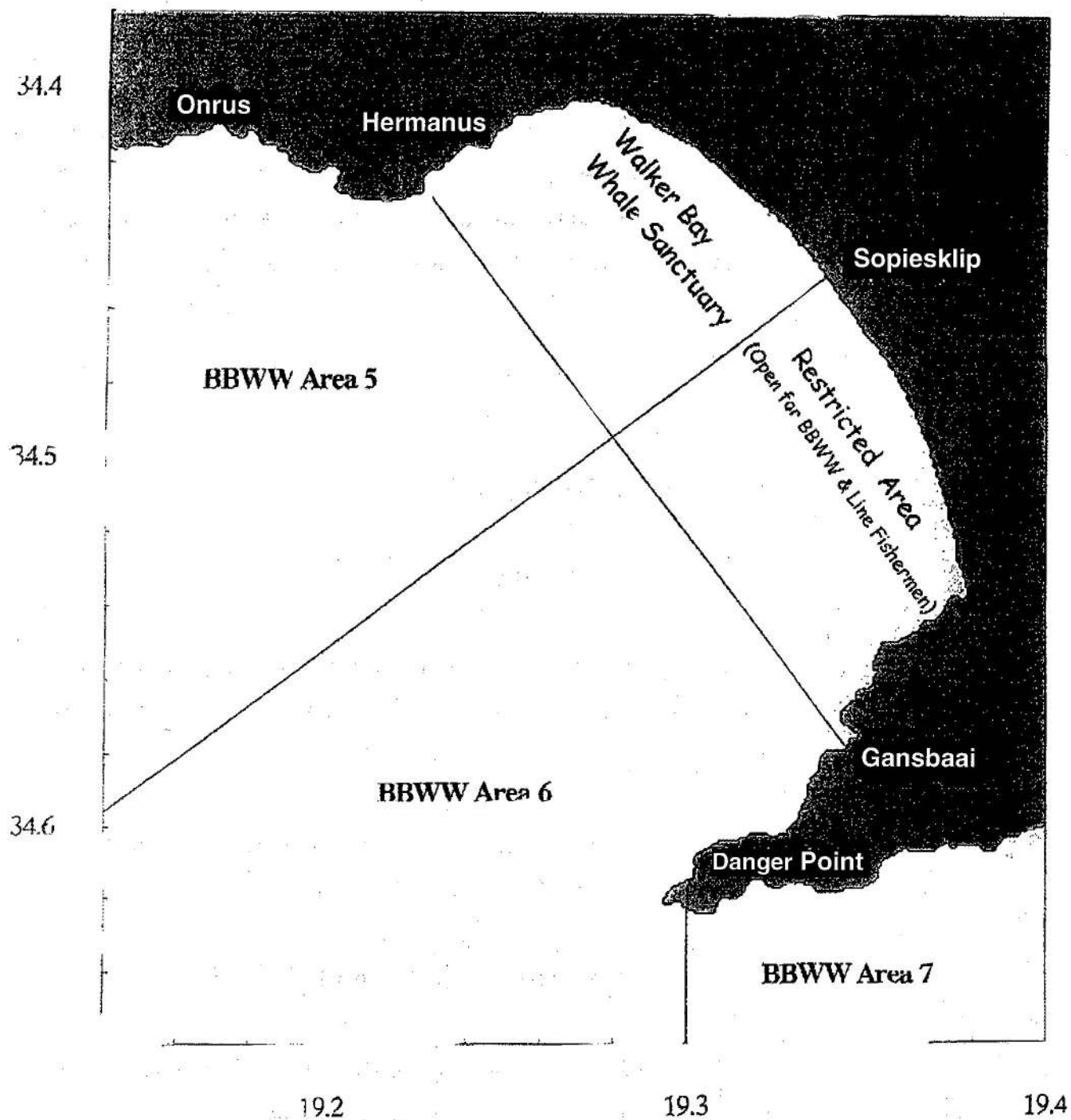
3. (1) The provisions of section 43(2)(a) of the Act and regulation 58 of the Regulations promulgated under the Act shall apply *mutatis mutandis* within the **Whale Sanctuary Area**.

(2) No person shall, except on the authority of a permit, operate any boat, vessel or craft of any kind within the **Whale Sanctuary Area**.

(3) The provisions of section 43(2)(a) of the Act shall not apply to vessels authorised to undertake boat based whale watching in the areas as published in Government Notice No. 417 of 18 February 2000 (Government Gazette No. 20877), or to authorised commercial linefishing, recreational linefishing and harvesting of seaweed or any other marine resource within the **Restricted Area**.

4. The provisions and stipulations of this notice shall only apply for the period 1 July to 30 November in any year, both dates included.

Annexure A



WET OP LEWENDE MARIENE HULPBRONNE, 1998 (WET NO. 18 VAN 1998)**VERKLARING VAN GEBIED TOT BESKERMDE MARIENE GEBIED**

Ek, Mohammed Valli Moosa, Minister van Omgewingsake en Toerisme, verklaar hierby kragtens artikel 43 van die Wet op Lewende Mariene Hulpbronne, 1998 (Wet No. 18 van 1998) ("die Wet") die gebied aangedui in die Bylae as 'n beskermde mariene gebied en ken hierby aan die beskermde mariene gebied die naam toe soos in die Bylae aangedui.

M V MOOSA

MINISTER VAN OMGEWINGSAKE EN TOERISME

BYLAE

1. (1) In hierdie kennisgewing het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg, tensy uit die samehang anders blyk.

(2) Vir die doel van hierdie kennisgewing is alle geografiese koördinate gebaseer op die World Geodetic System (WGS) 84 (G730) datum.

BESKRYWING VAN GRENSE VAN BESKERMDE MARIENE GEBIED

2. (1) Die **Walker Bay Walvisreservaat Beskermde Mariene Gebied** in die Wes-Kaap is die gebied wat afgebaken is deur die volgende punte:

Die Westcliffe-baken 34°25'.782S; 19°13'.768O (34.4297S; 19.2295O), van daar oos en suidoos langs die kuslyn tot by 'n aanlandige punt by Sopiesklip 34°27'.199S; 19°20'.119O (34.4533S; 19.3353O), van daar suidoos langs die kuslyn tot by 'n punt noord van die Gansbaai breekwater 34°34'.681S; 19°20'.628O (34.578S; 19.3438O) tot by 'n aflandige punt by Sopiesklip 34°29'.65S; 19°16'.80O (34.4942S; 19.28O) na die Westcliffe-baken 34°25'.782S; 19°13'.768O (34.4297S; 19.2295O).

(2) Die **Walker Bay Walvisreservaat Beskermde Mariene Gebied** bestaan uit die volgende sones (Sien Aanhangsel A):

(a) 'n **Walvisreservaatgebied** afgebaken deur die volgende punte:

Die Westcliffe-baken 34°25'.782S; 19°13'.768O (34.4297S; 19.2295O), van daar oos en suidoos langs die kuslyn tot by 'n aanlandige punt by Sopiesklip 34°27'.199S; 19°20'.119O (34.4533S; 19.3353O), na 'n aflandige punt by Sopiesklip 34°29'.65S; 19°16'.80O (34.4942S; 19.28O) na die Westcliffe-baken 34°25'.782S; 19°13'.768O (34.4297S; 19.2295O).

(b) 'n **Beperkte Gebied** afgebaken deur die volgende punte:

'n Aanlandige punt by Sopiesklip 34°27'.199S; 19°20'.119O (34.4533S; 19.3353O), van daar suidoos langs die kuslyn tot by 'n punt noord van die Gansbaai breekwater 34°34'.681S; 19°20'.628O (34.578S; 19.3438O) na 'n aflandige punt by Sopiesklip 34°29'.65S; 19°16'.80O (34.4942S; 19.28O) na 'n aanlandige punt by Sopiesklip 34°27'.199S; 19°20'.119O (34.4533S; 19.3353O).

BEPALINGS: BESKERMDE MARIENE GEBIED

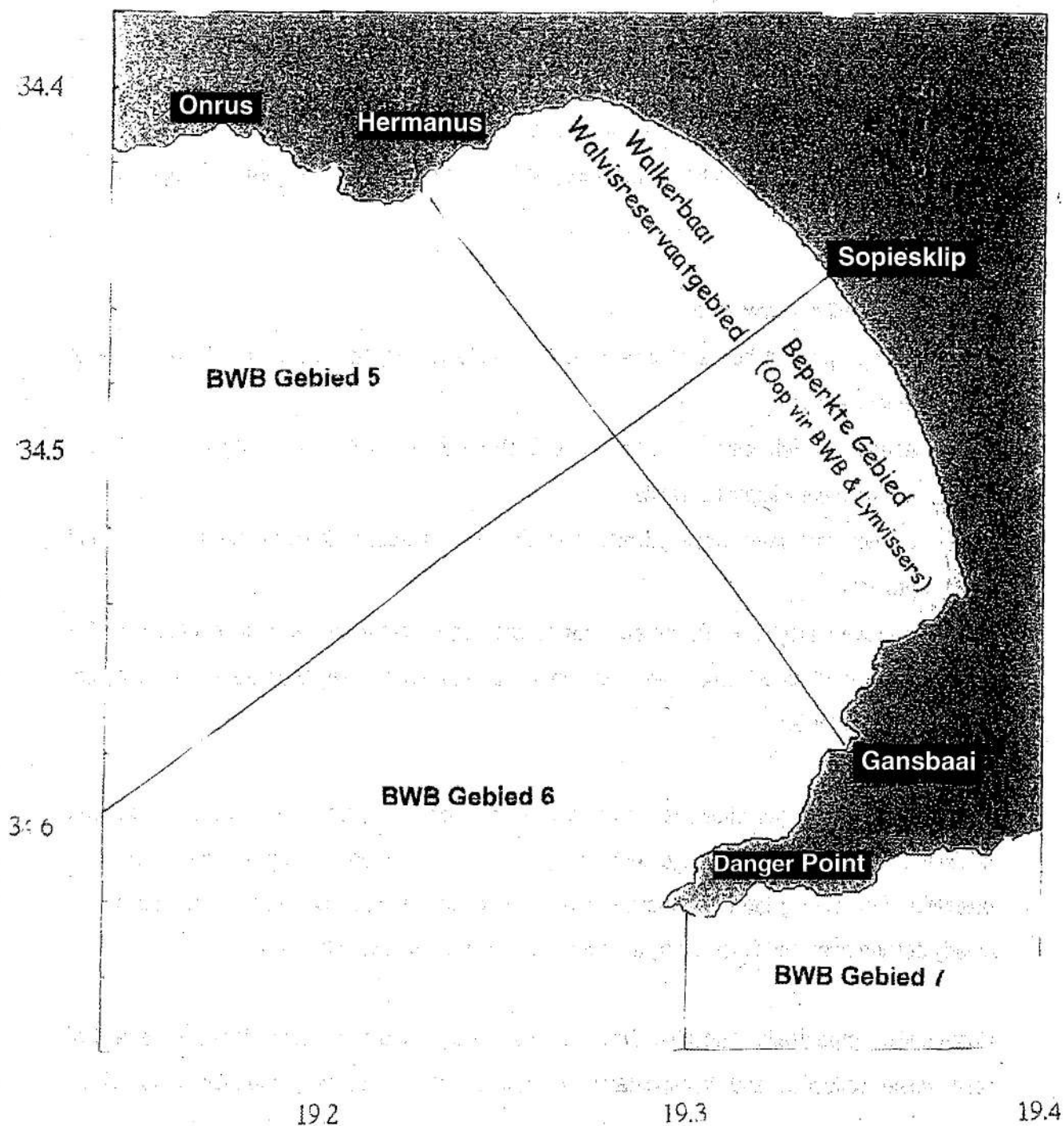
3. (1) Die bepalings van artikel 43(2)(a) van die Wet en regulasie 58 van die Regulasies gepromulgeer onder die Wet sal *mutatis mutandis* geld binne die **Walvisreservaatgebied**.

(2) Niemand mag, behalwe op gesag van 'n permit, enige boot, skip of vaartuig van enige soort in die **Walvisreservaatgebied** gebruik nie.

(3) Die bepalings van artikel 43(2)(a) van die Wet sal nie van toepassing wees ten opsigte van vaartuie wat gemagtig is om walvisbesigtiging te onderneem in die gebiede soos gepubliseer in Goewermenskennisgewing No. 417 van 18 Februarie 2000 (Staatskoerant No. 20877), of ten opsigte van gemagtigde kommersiële lynvisvangs, sport-en ontspanningslynvisvangs en die ontginning van seegras of enige ander mariene hulpbron, binne die **Beperkte Gebied** nie.

4. Die bepalings van hierdie kennisgewing is slegs geldig vir die tydperk 1 Julie tot 30 November van enige jaar, beide datums inklusief.

Aanhangsel A



CALL FOR PAPERS

The Department of Environmental Affairs and Tourism (DEAT) is co-ordinating a three - day waste summit during September 2001 in the Northern Province. The waste summit is one of the implementation processes of the national waste management strategy (NWMS) for sustainable development in terms of the white paper policy on integrated pollution and waste management for South Africa.

The objective of the summit is to:

- engage political heads of government in strategic national issues on integrated waste management
- educate stakeholders on various issues of waste and pollution management including environmental impact of waste
- promote and demonstrate poverty alleviation and job creation through waste management projects
- improve dialogue within the civil, social and public sector on the implementation of the NWMS, which will culminate in the implementation of an integrated waste management strategy for SA.

Papers and projects (for showcasing) are invited from experts, practitioners, communities and decision makers on waste management issues. The summit will be delivery - oriented, with the objective of enhancing the co-ordination of waste management into an integrated approach with clearly defined roles and functions by all roleplayers, including the communities.

Communities, organizations (incl. NGO's, government etc.), donors and consultants in the field of solid waste collection and transportation, recycling, safety equipment manufacturers, clean

technologies and environmental publishing companies will have the opportunity to exhibit their technologies, products and services. Exhibition will be open to all summit participants.

Abstracts of papers and projects should reach DEAT no later than 15 July 2001 and should be sent either by fax or e-mail to:

Mr Shane Motlhaloga, Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria, 0001

Telephone: (012) 310 3731 / 310 3536 / 310 3646 / 310 3470.

Fax: (012) 320 1167

E-mail: smotlhaloga@ozone.pwv.gov.za.

GENERAL NOTICE

NOTICE 1401 OF 2001

INVITATION TO COMMENT ON PROPOSED REGULATIONS IN TERMS OF SECTION 44 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998): CONTROL OF VEHICLES IN THE COASTAL ZONE

The Minister of Environmental Affairs and Tourism hereby publishes proposed regulations in terms of section 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998): control of vehicles in the coastal zone.

All interested parties and organisations are invited to comment in writing on the proposed regulations and to direct comments to:

Mr S M Schneier, Marine and Coastal Management Branch, Department of Environmental Affairs and Tourism, Private Bag X2 ROGGE BAY, 8012, Fax No. (012) 418-2528 and/or by e-mail: schneier@mcm.wcape.gov.za.

Kindly provide the name, address, telephone number, fax number and/or e-mail address of the person or organisation submitting the comments.

Comments should reach the department not later than 29 June 2001.

**M V MOOSA
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

REGULATIONS IN TERMS OF SECTION 44 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT No. 107 OF 1998): CONTROL OF VEHICLES IN THE COASTAL ZONE

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, acting under section 44 of the National Environmental Management Act, 1998, hereby make the regulations in the schedule.

SCHEDULE

Definitions

1. In these regulations-

"Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"authorized officer" means any person appointed as a fishery control officer in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), any person appointed to enforce the provisions of any provincial enactment which controls activities or processes which impact or may impact on the environment or any person appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

"beach" means unconsolidated sediment forming the unvegetated edge of the shoreline that extends from the low-water mark landwards to higher features of the coast such as dunes, cliffs or vegetated soil;

"coastal land-form" means a topographical feature resulting from geomorphological processes affecting the coastline and adjacent geological features;

"coastal zone" means the area adjacent to the shoreline characterized by coastal land-forms, including beaches, dunes and estuaries and their associated wetlands;

"dune" means a mound or ridge of loose wind-blown material, usually sand, whether covered by vegetation or not;

"estuary" means that portion of a river in which a rise and fall of the water-level takes place as a result of tidal action on a permanent or periodic basis, including a lagoon;

"local authority" means a municipality which is established in terms of legislation intended to give effect to section 151 of the Constitution of the Republic of South Africa Act, 1996 (Act no. 108 of 1996);

"Minister" means the Minister of Environmental Affairs and Tourism;

"proclaimed harbour" means any port or harbour which is proclaimed or established as such in terms of legislation for commercial or fishing purposes;

"provincial authority" means the provincial department responsible for environmental affairs;

"public road" means any road which is proclaimed or established in terms of legislation for public use;

"relevant authority" means a local or provincial authority, or the Minister, as the case may be;

"vehicle" means any motorised conveyance which is designed to transport one or more persons and includes a trailer;

"wetland" means the area adjacent to an estuary that is periodically flooded as a result of tidal action.

Application of regulations

2. These regulations apply to the use of all vehicles in the coastal zone except vehicles being used-
 - (a) for official purposes by employees of any organ of state;
 - (b) in *bona fide* emergency or rescue situations;
 - (c) in mining activities which have been approved in terms of the Minerals Act, 1991 (Act No. 50 of 1991);
 - (d) on a public road; or
 - (e) for official purposes within a proclaimed harbour.

General prohibition

3. Subject to regulation 2, no person may drive, use or operate any vehicle in the coastal zone, without an authorisation granted under regulation 4.

Authorisations

4. Subject to the provisions of these regulations, the relevant authority may upon consideration of an application submitted in terms of regulation 6 grant an authorisation for the use of a vehicle within the coastal zone-
 - (a) within the boundaries of a site which has been approved for boat-launching purposes in terms of these regulations;
 - (b) for scientific research; or
 - (c) for the carrying out of any activity which has been approved in terms of the provisions of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), provided that the use of a vehicle in respect of such activity has been approved by the Minister in terms of these regulations.

Applications to use a vehicle in the coastal zone

- 5 (1) An applicant for a permit to use a vehicle in the coastal zone must submit a written application to the relevant provincial authority.
- (2) All applications must be made on a form obtainable from the relevant authority.
- (3) All applications are subject *inter alia* to the following requirements being fulfilled-
 - (a) the application must fulfil the requirements of section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activity concerned;

- (b) should an applicant not be qualified to fulfil the requirements of section 24 (7) of the Act, the applicant must appoint an independent consultant to submit the application on his/her behalf;
 - (c) the applicant is solely responsible for all costs incurred in connection with the employment of the consultant or any other person acting on the applicant's behalf to comply with these regulations;
 - (d) the applicant must ensure that the consultant, in complying with these regulations, has the required expertise and ability to fulfil the requirements of section 24(7) of the Act.
- (4) If the applicant does not comply with any provision of regulations 5(3)(a)-(d), and does not immediately address such non-compliance after being made aware of it by the relevant authority, the application must be regarded as having been withdrawn.
- (5) The provincial authority must refer an application to the Minister for consideration where-
- (a) the site in question has been designated in terms of national or international legislation as an area of national or international importance;
 - (b) the Minister and the provincial authority jointly decide that the application should be considered by the Minister;
 - (c) a state department, the relevant provincial authority or a statutory body other than a local authority is the applicant;
 - (d) the authorisation has the potential to affect the environment across the borders between two or more provinces; or
 - (e) the application is being made in terms of regulation 4(c).
- (6) Save for the circumstances outlined in subregulations 5(a) to (e) above, the provincial authority may in terms of section 238 of the Constitution (Act 108 of 1996) delegate its authority to administer these regulations to a local authority, provided that:
- (a) the local authority has the competence and capacity to consider such applications in terms of the requirements of section 24(7) of the Act; and
 - (b) the local authority must refer an application to the relevant provincial authority for consideration if the local authority is the applicant.

Responsibilities of the relevant authority

6. The relevant authority must-

- (a) ensure that officers, agents or consultants employed by it to evaluate applications submitted in terms of these regulations have the expertise required to evaluate compliance with the requirements of section 24(7) of the Act;
- (b) ensure that the evaluation and decisions required in terms of these regulations are made efficiently and within a reasonable time, subject to the applicant being informed in writing of any delays which may occur;
- (c) provide the applicant with any information in its possession which could assist the applicant in complying with these regulations;
- (d) not require from the applicant more than the minimum amount of information necessary to make an informed decision regarding the application;
- (e) not approve an application-
 - (i) should the approval thereof be inconsistent with the principles in Chapter 1 of the Act;
 - (ii) should the approval thereof pose a threat to the safety of the general public; or
 - (iii) unless it is satisfied that there is a legitimate need to approve the application;

- (f) in considering whether there is a legitimate need to approve the application, determine whether there are preferable alternatives to granting the application, based on the information submitted with the application in terms of the requirements of section 24(7) of the Act.

Consideration of application

7. The relevant authority may, after considering the application submitted in terms of these regulations-
- (a) refuse the application;
 - (b) grant the application with or without conditions;
 - (c) request the applicant to carry out further investigations and/or submit additional information; or
 - (d) request the applicant to consult with specific organizations, authorities, persons or interested parties in general and submit results of the required consultations.

Record of decision

- 8 (1) The relevant authority must issue a written record of the decision made in terms of these regulations to the applicant, and on request to any other interested party.
- (2) The record of the decision must include-
- (a) the geographic location of the area referred to in the application;
 - (b) a precise description of the boundaries of the area affected by the decision;
 - (c) the name, address and telephone number of the applicant;
 - (d) the name, address and telephone number of any consultant involved in the application;
 - (e) the decision of the relevant authority;
 - (f) the conditions of the authorisation, if any, including measures to mitigate, control or manage environmental impacts or to rehabilitate the environment;
 - (g) the reasons that led to the decision;
 - (h) the date of expiry or the duration of the authorisation;
 - (i) the name of the person to whom an appeal may be directed as contemplated in regulation 9(1);
 - (j) the signature of a person who represents the relevant authority; and
 - (k) the date of the decision.

Manner of appeal

- 9 (1) An appeal to the Minister in terms of section 43 of the Act must be made in writing within 30 days of the date on which the record of decision was issued to the applicant in terms of these regulations.
- (2) An appeal must state the grounds for the appeal and be accompanied by all relevant documents or copies thereof which are certified as true by a commissioner of oaths.

Law enforcement

- 10 (1) For the purpose of enforcing these regulations, any authorized officer may-

- (a) seize any vehicle if he or she has reasonable grounds to believe that it has been or is being used in the commission of an offence in terms of these regulations;
 - (b) arrest any person whom he or she has reasonable grounds to believe has committed or is committing an offence in terms of these regulations; or
 - (c) issue a summons notice in terms of section 54 of the Criminal Procedure Act (Act 51 of 1977) to appear in a lower court, either on the spot or within a period of 30 days, to any person whom he or she has reasonable grounds to believe has committed or is committing an offence in terms of these regulations.
- (2) Any person issued with a summons notice in terms of regulation 10(1)(c) of these regulations may pay an admission of guilt fine of R1,000.00, in terms of section 57 of the Criminal Procedure Act.

Co-operation with officials

- 11 (1) Whenever an authorized officer exercises any power or performs any duty in terms of these regulations, he or she shall at the request of any person affected thereby, produce an identity card identifying the officer as an authorized officer in terms of these regulations.
- (2) The driver of any vehicle shall immediately comply with any lawful instruction given or request made by an authorized officer.
- (3) No person shall—
- (a) assault, obstruct, resist, delay, intimidate or otherwise interfere with an authorized officer in the performance of his or her duties;
 - (b) incite or encourage any other person to assault, resist or obstruct any authorized officer while exercising or performing his or her powers or duties, or any other person lawfully acting under the orders of the authorized officer in his or her aid;
 - (c) use threatening language or behave in a threatening or insulting manner or use abusive language or insulting gestures towards any authorized officer while exercising or performing his or her powers or duties, or towards any other person lawfully acting under the orders of an authorized officer in his or her aid;
 - (d) fail to comply with the lawful requirements of any authorized officer or;
 - (e) furnish to any authorized officer any particulars which are false or misleading.

Treatment of seized vehicles

- 12 (1) If any vehicle has been seized in terms of regulation 10(1), and a person who has been properly charged with an offence in relation thereto fails to appear to answer the charge within 90 days of the detention or seizure, the Minister may apply to the court for it to be forfeited to the State and the court shall make such order as it shall deem fit.
- (2) If the lawful owner of a seized vehicle cannot be traced within 90 days of such seizure it shall be forfeited to the State and be disposed of as the Director-General in his or her discretion shall consider fit.
- (3) If the owner of a vehicle or the person having the possession, care or control of it at the time of its seizure is served with a summons or convicted of an offence in terms of these regulations and a fine is imposed, the vehicle shall be detained until all fines, orders for costs and penalties imposed in terms of these regulations have been paid.

- (4) If any payment contemplated in subregulation 3 is not made within such time as the court may determine, the vehicle shall be forfeited to the State and be disposed of as the Director-General in his or her discretion shall consider fit.

Offences and penalties

- 13 Any person who contravenes any provision of these regulations shall be guilty of an offence and liable on conviction to a minimum fine of R2000 but not exceeding R10000, or to imprisonment for a minimum period of six months but not exceeding two years, or to both such fine and such imprisonment.

Forfeiture

- 14 (1) A court convicting any person of an offence under these regulations may, in addition to any other penalty, declare any vehicle used in committing the offence, or the rights of the convicted person to such vehicle, to be forfeited to the State.
- (2) Any vehicle ordered to be forfeited in terms of these regulations shall be disposed of as the Director-General in his or her discretion shall consider fit.

Date of commencement of regulations

- 15 Regulation 4 will commence six months after the date of promulgation, in relation to-
- (a) the use of a vehicle within a site which was used for boat-launching purposes and where infrastructure for boat launching purposes, such as launching ramps, existed prior to the date of promulgation of these regulations;
 - (b) the use of a vehicle for the purpose of carrying out scientific research, which research commenced prior to the date of promulgation of these regulations; and
 - (c) the use of a vehicle for the purpose of carrying out any activity referred to in regulation 4(c) where authorisation to carry out the activity was granted prior to the date of promulgation of these regulations.

Dog ate your Gazette? ... read it online



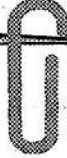
www.SA Gazettes.co.za

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offer Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za





*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division

PO Box 397

0001 PRETORIA

Tel.:(012) 321-8931, Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatshoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie

Posbus 397

0001 PRETORIA

Tel.:(012) 321-8931, Faks: (012) 325-5984

E-pos: infodesk@nlsa.ac.za

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531