DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

Application to the Minister of Environmental Affairs and Tourism in terms of Regulation 20 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) as amended (“the Regulations”)

APPLICATION FOR AN EXEMPTION

<table>
<thead>
<tr>
<th>CHECKLIST: APPLICANT HAVE YOU –</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provided ALL the information required in this application form?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Attached a motivation demonstrating why granting the application will not harm the environment?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Included a motivation stating why granting the application will not seriously affect the rights of the public to enjoy the coastal zone?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Included a motivation stating why granting the application would be in the public interest or in the interests of protecting the environment.</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Signed the application form before a Commissioner of Oaths?</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>
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. 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.

3. Applicants must provide a motivation which clearly demonstrates that the proposed vehicle use will not cause significant harm to the environment (see Part I below).

4. Applicants must provide a motivation stating why granting the application will not seriously affect the rights of the public to enjoy the coastal zone (see Part J below).

5. Applicants must provide a motivation stating in detail why granting an exemption to the applicant would be in the public interest or in the interests of protecting the environment (see Part K below).

6. Applicants must provide a certified copy of each of the driver’s licences of those persons who will be driving the vehicle or vehicles to which this exemption pertains.

7. 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.

8. This application must be addressed to the Minister of Environmental Affairs and Tourism and handed in at the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001. Alternatively, applications may be posted to the Deputy Director: Integrated Coastal Management, Private Bag X2, Roggebaai, 8012.

9. The Department will submit your completed application for comment to the relevant provincial authority or manager of a protected area if your application affects a protected area. This is due to the co-operative governance requirements of the Constitution (Act No. 108 of 1996). Provincial working groups meet monthly to evaluate applications for vehicle use in the coastal zone. The Department will in consultation with the relevant authority endeavour to process your application within a reasonable period of time, defined as 45 to 60 days, subject to inclusion of all the information required in the application form. You are therefore requested to submit your application form at least 60 days prior to the date on which you propose to use a vehicle in the coastal zone.

10. Failure to provide the information requested herein may result in the application not being processed.
### PART A: PERSONAL DETAILS

Full name of applicant

Identity number / legal entity registration number of applicant

Address (physical)

Address (postal)

Telephone Number (work)  Telephone Number (home)

Cell phone Number  Fax Number

E-Mail address

---

### PART B: EXEMPTION SOUGHT

Any person, including an organ of state, may apply in writing to the Minister for exemption from complying with any of the requirements in regulation 6, 7 or 8 for the granting of a permit, licence or the carrying on of an environmental assessment in terms of section 24(4) of the Act, respectively.

**Tick the applicable box indicating the requirement from which you seek an exemption.**

- [ ] Environmental Assessment (Regulation 8)
- [ ] Licence (Regulation 7)
- [ ] Permit (Regulation 6)

---

### PART C: PURPOSE OF THE APPLICATION

1. **Tick the box that indicates the purpose for which an exemption is sought**

- [ ] To access private property
- [ ] Tourism business

- [ ] Scientific research
- [ ] Non-recreational activity authorised in terms of the Marine Living Resources Act, 18 of 1998

- [ ] Access by a physically disabled person
- [ ] Film Production and Advertisements

- [ ] Other. Please briefly specify below.
- [ ] Organised recreational sport fishing competition
2. Depending on the reason for the application, the following additional information must be submitted as annexures to the application:

2.1 To access a private property

- 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;
- Proof that no reasonable alternative access route to the property exists, e.g. a letter from the relevant local authority or provincial road department certifying that there is no formal road access to the property concerned;
- A map or copy thereof of the area (1:50 000) on which the private property is located;
- The proposed access route to the private property must be clearly indicated on the map referred to above; and
- Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).

2.2 Tourism Businesses

- A detailed map or copy thereof of the area affected by the application (1:50 000);
- The proposed tour route must be clearly indicated on the map referred to above
- Photographs of proposed area, and especially of those areas containing sensitive areas;
- Certificates or badges of registration as tour guides of the applicable tour guides;
- All marketing material for the proposed tour; and
- Reasons for seeking an exemption from the requirement to obtain a permit or the requirement to comply with the requirements of section 24(4) of the National Environmental Management Act of 1998 (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).

2.3 Scientific Research

- A detailed map or copy thereof of the area affected by the application (1:50 000);
- The proposed vehicle route must be clearly indicated on the map referred to above;
- Detailed reasons why a vehicle is required to enter the coastal zone;
• A detailed research proposal, together with proof that the proposal has been approved by the relevant person/authority; and
• Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).

2.4 Non recreational activity authorised in terms of the Marine Living Resources Act, 18 of 1998
• 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;
• Reasons why the Applicant needs to use a vehicle in the coastal zone to enable him/her to exercise above-mentioned right, permit or exemption;
• A detailed map or copy thereof of the area affected by the application (1:50 000);
• The proposed vehicle route must be clearly indicated on the map referred to above; and
• Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).

2.5 Organised recreational sport fishing competition
• Proof that the proposed competition will be held under the auspices of the South African Shore Angling Association;
• A detailed map or copy thereof of the area affected by the application (1:50 000);
• The proposed vehicle route must be clearly indicated on the map referred to above;
• Reasons why the Applicant needs to use a vehicle or vehicles in the coastal zone to enable him/her to hold the proposed competition; and
• Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).

2.6 Filming, Productions and Advertisements
• Copy of the permit issued by the relevant local authority authorizing the proposed filming, film production activity or shooting of the advertisement;
• Description of the proposed advertisement, production or filming activity clearly indicating that the use of a vehicle or vehicles is necessary for carrying out such activity;
• A detailed map or copy thereof of the area affected by the application (1:50 000);
• The proposed vehicle route must be clearly indicated on the map referred to above; and
• Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption).
2.7 Access by a physically disabled person

- Proof that you are a physically disabled person [Please attach a letter from the National Council for Persons with Physical Disabilities in South Africa (NCPPDSA) certifying that you are physically disabled. The contact details for the National Council for Persons with Physical Disabilities are as follows: The National Director, NCPPDSA, Tel: (011) 726 8040, Fax: (011) 726 5705, Email: ncppdsa@cis.co.za];
- A detailed map or copy thereof of the area affected by the application (1:50 000);
- The proposed vehicle route must be clearly indicated on the map referred to above; and
- Reasons for seeking an exemption from the requirement to obtain a permit (applicant must demonstrate exceptional circumstances apply which justify seeking an exemption)

PART D: DURATION OF EXEMPTION

1. Please state the date(s) / period for which the exemption is sought, e.g. throughout the year or certain periods only.

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

3. If yes, provide details

PART E: LOCATION OF AREA(S) OF INTENDED VEHICLE USE IN THE COASTAL ZONE

1. Province……………………………………………………………………………………………………………………………..

2. Magisterial District(s)…………………………………………………………………………………………………………
3. Closest City/Town

4. Surrounding/adjacent land use(s)

5. Has the proposed coastal zone area in which you intend to use a vehicle, historically or ever been frequently used by vehicles?

6. Provide an exact description of extent of area(s) of intended access

7. Provide an exact description of the point(s) of intended access to / from the coastal zone. This description should include references to road names (if access from public road or car park), property names appearing on 1:50 000 map (if access from private property); or name of holiday resort or caravan park (where applicable). Where possible applicants should provide map coordinates of access points enabling such access point to be located on a 1:50 000 map.

---

**PART H: VEHICLE DETAILS**

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

2. Registration number(s) of vehicle(s) that is (are) intended to be used in the coastal zone
3. The number of persons that will accompany the applicant, and their respective purposes

PART I: SIGNIFICANT HARM TO THE ENVIRONMENT

Refer to Annexure A1.

1. Provide a brief motivation below which clearly demonstrates why granting the application will not result in significant harm to the environment. This motivation is more likely to succeed if it is submitted by an independent expert who is either employed by the State or is in private practice (see details in Annexure A1 attached to this application form). This motivation may be submitted as a clearly marked annexure if insufficient space is provided below.

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

3. If 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.
PART J: RIGHTS OF THE PUBLIC

Refer to Annexure A2.

State in detail why the proposed use of a vehicle in the coastal zone will not adversely and seriously affect any rights of the general public to enjoy the coastal zone (see details in Annexure A2 attached to this application form). This motivation may be submitted as a clearly marked annexure if insufficient space is provided below.

PART K: THE PUBLIC INTEREST / PROTECTING THE ENVIRONMENT

The Minister may not grant an exemption unless he is satisfied that granting such exemption is in the public interest or in the interest of protecting the environment. Please state in detail why granting an exemption to the applicant would be in the public interest or in the interests of protecting the environment.
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.

These Regulations are available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (Tel: 021-402 3511) or it may be downloaded from the website www.mcm-deat.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

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths ..............................................................

Full Name ...................................................................................

Designation ..............................................................................

Full Name ...................................................................................

Office .......................................................................................

Address ....................................................................................

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

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 as well:

Signature of the third party

THUS SIGNED IN MY PRESENCE

Commissioner of Oaths ..............................................................

Full Name ...................................................................................

Designation ..............................................................................

Full Name ...................................................................................

Office .......................................................................................

Address ....................................................................................

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

NOTE

Your application must either be posted or hand delivered. The application should be addressed to the Minister of Environmental Affairs and Tourism

PLEASE DO NOT BIND OR STAPLE THIS FORM TO ANY OTHER DOCUMENTS
Proof that significant harm to the environment will not be caused

In terms of the regulations the Minister may not grant an exemption unless he is satisfied that granting such exemption will not result in significant harm to the coastal zone. Applicants must therefore provide the Minister with sufficient information for him to be satisfied that granting the application will not result in significant harm to the environment.

In order to provide an adequate motivation in this regard, applicants are generally advised to consult the relevant local authority (or manager of a protected area where the applicant intends to use a vehicle in such protected area). If the local authority concerned does not employ nature or environmental conservation officials, it will be necessary for the applicant to consult the relevant provincial environmental authority. If the local authority, provincial environmental authority or manager of the protected area cannot assist the applicant or provide the necessary motivation within the required time frame, the applicant is advised to appoint an independent environmental consultant to compile the motivation referred to above.

The motivation must clarify that there are no “unsuitable physical features” present (see below). The motivation must also clarify that sensitive coastal features and environments will not be adversely affected by vehicle use. Such features and environments are briefly described below.

(a) **Unsuitable physical features.** Certain attributes of intertidal beaches such as steep gradients or natural barriers such as boulders, rocky headlands, ledges and wavecut rocky platforms force vehicles to travel above the high water mark. Such beaches are generally unsuitable for vehicle use. Beach width must also be considered as vehicles are forced to drive above the high water mark on narrow beaches at high tide.

(b) **Ecologically sensitive areas.** Estuaries and coastal lakes and their associated wetlands which may include mangrove forest, salt-marshes and river or estuary mouths, are sensitive to vehicle impacts. Vehicles must be excluded from these areas.

(c) **Sensitive fauna.** Certain coastal birds breed and nest close to the high water mark. They also scavenge or feed in the intertidal zone and are therefore vulnerable to vehicle traffic. Their habitat requirements need to be considered.

(d) **Protected areas** such as coastal national parks, coastal nature reserves and marine protected areas have as a primary purpose the protection of the coastal environment. Protected areas whose total beach length is relatively limited (e.g. 5 km or less) should remain closed to vehicles. Larger protected areas should only be considered for vehicle use subject to an integrated management plan for the areas concerned.

A motivation supporting any application should include appropriate conditions for minimizing environmental impacts. Examples of such conditions include avoiding identified sensitive areas, accessing the coastal zone at specific appropriate access points only, restricting vehicle use to the inter-tidal zone only, etc. If harm to the environment is unavoidable in any particular instance due to the applicant’s intended use of a vehicle use in the coastal zone, the motivation should specify measures the applicant should take to minimise and remedy such harm.
Proof that any rights of the general public to enjoy the coastal zone will not be seriously affected

In terms of the regulations the Minister may not grant an exemption unless he is satisfied that granting such exemption will not seriously affect any rights of the general public to enjoy the coastal zone. Applicants must therefore provide the Minister with sufficient information for him to be satisfied that granting the application will not seriously affect such rights.

In order to provide an adequate motivation in this regard, applicants are generally advised to consult the relevant local authority (or manager of a protected area where the applicant intends to use a vehicle in such protected area). The local authority or manager of the protected area should advise the applicant whether the proposed vehicle use may be in conflict with the public’s use of the coastal zone. Where appropriate, the local authority or manager of the protected area should specify conditions for minimising such conflict. In this regard consideration must be given to the extent to which the area concerned is used for recreation and consideration must be given to the nature of such recreation. Comments and conditions provided by the local authority should be attached to this application form.