



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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CODE OF CONDUCT

The Use of Vehicles in the Coastal Area. A vehicle and the coastal area is defined in the Control of Use of Vehicles in the Coastal Area Regulations.

1. The vehicle use in the coastal area or access to the coastal area by a vehicle must be only for the purposes mentioned in the Regulations.
2. The vehicles and drivers must be licensed and vehicles must be roadworthy.
3. No vehicular access is allowed within 100 metres of the following environmentally sensitive areas within the following areas:
 - 3.1.1 Mangrove forests, wetlands, salt marshes, estuaries, river mouths, or any other areas of fragile, rare, relict or vanishing vegetation.
 - 3.1.2 Unsuitable physical attributes of beaches, and natural barriers such as rocky headlands, ledges, wave-cut rocky platforms.
 - 3.1.3 Areas of fragile natural ecosystem or scientific interest such as turtle nests during nesting seasons which normally starts around October- February and bird roosting and nesting sites.
4. Vehicle specifications
 - 4.1.1 Only vehicles as defined in the Regulations.
 - 4.1.2 A vehicle should be fitted with a minimum tyre width of 190mm and maximum pressure of 1.5 bar is required. Use of Quad bikes is supported only for use by officials responding to emergencies or those in possession of a valid physical disabled permit from this Department.
 - 4.1.3 Officials using vehicles in the coastal area, their vehicles must be marked with Departmental logos or magnetic decals.
 - 4.1.4 External contractors appointed by an organ of state or an agent of the organ of state to undertake any task in the coastal area must be in possession of a contract from the said organ of state or an agent of the organ of state for vehicle use in the coastal area. This letter must include vehicle registration number(s), the minimum period of validity and the area and scope of operation. This must be produced on request by the Authorised Officer. Furthermore these contractors must have a letter clarifying this from this department.
5. Access to the coastal area must be via existing designated vehicles access points and public launch sites only or unless such access point have been authorized in a specific permit by the relevant authority. After accessing the coastal area at the approved vehicle access point, the vehicle must

operate below the high water mark when traversing the beach.

6. Vehicle use must be restricted to the period two hours either side of low tide only, except in the case of a bona fide emergency.
7. No vehicles are allowed on dunes or dune vegetation, and no parking is allowed on these features.
8. A maximum speed limit of 20km/h applies on the beach and care must be exercised so as not to endanger the safety and well-being of other persons in the coastal area.
9. No over-tiding or night driving is supported, unless in cases of emergencies or enforcement. This also applies to earth-moving equipment.
10. A vehicle use under Regulation 3 of the ORV Regulations is lawful use of a vehicle in the coastal area which is allowed without the need to obtain a permit.
11. Even though such vehicle use is permissible use, persons using such vehicles are still under the duty to avoid causing adverse impacts to the coastal environment. In terms section 58(1) of the National Environment Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), read together with section 28(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), **Duty of Care**, *“Every person who causes, has caused or may cause adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such adverse effect on the coastal environment.”*
12. The Organ of State or an Agent of the Organ of State must ensure that their ORV operators take reasonable care in ensuring that there is no pollution as a result of their ORV activities i.e. Repairs, refuelling of vehicles etc, are not supported. These must be checked prior to accessing the coastal area/beach.
13. Vehicular access is restricted to only one (1) trip per day in each direction and exceeded only if there is an emergency. The return trip must be along the same track that is below high water mark.
14. Avoid vehicle use in bathing beaches.
15. Where vehicle use is allowed, drive carefully and consider your passengers, other vehicles and other people using the same coastal area.

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 per vehicle per offence, or to imprisonment not exceeding two years, or both such fine and such imprisonment.