

Chapter 15: Marine Access Points

A. Public Boat Launch Sites

1. Introduction

The City of Cape Town's (City) coastline provides a wide variety of services and opportunities for its citizens. The launching of motorised craft to access the marine environment is a common activity, conducted for varying purposes, ranging from recreational activities, to the permitted harvesting of marine resources. Managed, functional and accessible marine access points are a critical component to the City's coastal economy and the associated social value.

Marine access points are a number of formalised public boat launch sites consisting of slipways which allow craft to enter the water directly off hard infrastructure, or launch sites which allow craft to launch either directly off the beach or via a ramp to the beach and then into the water. National legislation requires that each of these launch sites are permitted.

The launching of motorised vessels, or the launching of non-motorised vessels using a vehicle, outside of these formal access points is illegal.

All launch sites used solely for the purpose of launching official emergency craft and/or for providing beach access for municipal services to undertake maintenance are excluded from these legal requirements.

2. General Principles

- The location of public boat launch sites must promote fair marine accessibility to all communities
- Access to high quality and well managed public boat launch sites is essential;
- Safety of users and adherence to environmental legislation are imperative.

3. Legal and Policy Considerations

3.1. Public Launch Sites in the Coastal Zone Regulations

The Regulations for Public Launch Sites in the Coastal Zone introduces general control measures for the launching of motorised craft into the marine environment. These Regulations currently fall within the Off Road Vehicle Regulations and permitting of the launch sites rests with the Provincial MEC for Environment. In applying for a permit, the City is required to provide an Environmental Management and Operational Plan for each launch site.

3.2. Environmental and Operational Management Plans

A boat launch site Environmental and Operational Management Plan (EMP) outlines the minimum operational and environmental management requirements for each site.

The EOMP for each boat launch site includes, but is not limited to, the following:

- Legal context
- Institutional arrangements
- Function of EMP
- Site description

- Site usage with respect to: access, parking, vessel safety requirements, launching and landing control and safety (day and night), toilet facilities and waste water treatment, events and functions, waste management,
- Conflict management
- Noise mitigation
- Communication and compliance
- Safety, emergency preparedness and responses
- Records

In certain cases the City has opted to lease the management of a boat launch site to a boat club. This is particularly relevant at the most active slipways where clubs are able to provide day-to-day management, administration, maintenance and access control. Where lease agreements are in place, these are listed along with the Operational Management Plan.

Regulating the use of Off-road vehicles

The General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations (“off-road vehicle Regulations”) was published under NEMA (Government Notice No. 1399 of 21 December 2001). The rationale behind the ORV regulations serves to protect and conserve South Africa’s sensitive coastal ecosystems from the impact of ORVs through their regulation and control. Whilst the ORV regulations provide for a general prohibition on the recreational use of vehicles in the coastal zone, the ORV regulations do make provisions for approving the use of vehicles in the coastal zone under specific circumstances. The ORV regulations also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

In terms of the ORV Regulations (Regulation 7), the City is required to apply for a license to the provincial authority for those slipways that the City wishes to operationalize and to ensure that every precaution is undertaken to promote safe, environmentally sensitive and socially responsible boat launching from such slipways. As per the ORV Regulations, the City is required to meet the following criteria in applying for a license from the provincial authority:

- (i) Payment of a stipulated fee for each boat launch site that the City wishes to license;
- (ii) Complies with the requirements of section 24(4) of the National Environmental Management Act relating to the investigation, assesses and communicates to the competent authority the potential impact of the activities associated with the boat launching site;
- (iii) Demonstrates that the use of vehicles at the boat launch site will not cause significant harm to the coastal environment; and
- (iv) That the City Submits an Environmental and Operational Management Plan to ensure that all appropriate measures are undertaken to ensure that any activity associated with the slipway sensitive to the coastal environment and that such activities do not detract from the social and economic values of slipways in Cape Town.

The National Government is considering legislating marine access points separately from the ORV Regulations. If this is promulgated the City will revise this chapter of its CMP accordingly.

4. Listed Public Launch Sites in the City of Cape Town

LOCATION	COORDINATES	MANAGEMENT	RESTRICTIONS
Fish Hoek (sailing)	34°8'13"S 18°26'2"E	Fish Hoek Sailing Club	No vehicles permitted
Harbour Island	34°9'8"S 18°51'29"E	Gordon's Bay Boat Angling Club	None
Hottentots Holland	34°6'18"S 18°49'1"E	Hottentots Holland Sailing Club	None
Kommetjie	34°8'24"S 18°19'20"E	Kommetjie Boat Club	None
Melkbosstrand	33°43'42"S 18°26'19"E	CCT	None
Miller's Point	34°13'49"S 18°28'26"E	Cape Boat and Ski Club	None
Strand	34°7'4"S 18°49'37"E	CCT	None
Table View	33°48'36"S 18°28'6"E	CCT	None
Three Anchor Bay	33°54'20"S 18°23'52"E	CCT	No vehicles permitted
Witsands	34°10'39"S 18°20'40"E	CCT	None

5. Exclusions

Slipways that are utilised for emergency purposes (specifically the NSRI and Lifesaving) are excluded from legislation and are not available to public use. As such, they are not listed in Table 1.

B. Other marine access points

In addition to the afore-mentioned public boat launch sites, access into the marine environment is further realised through the use of facilities such as public jetties.

1. Jetties for public use

The City is responsible for the management of three public jetties, the Strand Jetty, the Harmony Park Jetty within the Harmony Park Coastal Resort, and the Simon's Town Jetty. The City either directly manages these facilities, e.g. Strand and Harmony Park Jetties, or enters into management agreements with non-profit organisations, for example the Simon's Town Jetty.

The Strand Jetty, built in 1934, forms part of the Strand Jetty Precinct which provides commercial, recreational and residential opportunities in the Strand area. This Jetty provides a point of embarkation/disembarkation for crew of fishing boats launching at the Strand Boat Launch Site.

The Harmony Park Jetty forms part of the Harmony Park Resort and provides opportunities for recreational use including fishing within the Resort.

The Simon's Town Jetty is administered by the City and forms part of the central tourism, recreation and commercial hub of Simon's Town. This Jetty is used primarily as a recreational asset and is accessible to all. In addition, this jetty provides an operational access point for a number of eco-tourism operators (boat based whale watching, white shark viewing and site-seeing boat tours) and is also used for refuelling. The City developed and prepared an Operational Management Plan (OMP) for this Jetty and engaged Simon's Town Amenities Development Company through a formal agreement to manage and operate the Jetty in terms of the OMP.

JETTY	LOCATION	COORDINATES
Strand	Strand	34°7'6"S 18°49'39"E
Harmony Park	Strand	34°8'21"S 18°50'46"E
Simon's Town	Simon's Town	34°11'32"S 18°26'0"E

Table 2: Jetties in Cape Town

2. Marine Access for MLRA operations

The City's coastline provides access to the marine environment for MLRA rights holders, for the purposes of harvesting and consumptive use of marine resources such as fish and kelp.

The rights holders must be in possession of an Off-Road Vehicles Permit (ORV Permit), which is issued by the Department of Environmental Affairs, in accordance with the Control of Vehicles in the Coastal Area Regulations (ORV Regulations). Where necessary, the City must, in consultation with the rights holders, set conditions to ensure best practise, Duty of Care, and protection of coastal public property, by considering:

- that such marine access does not pose a threat to existing coastal dunes;
- that existing formalised excess points are utilised, before new access points are considered;
- that such marine access is not in conflict with City efforts towards the protection of sensitive and fragile coastal systems; and
- that the safety of other beach users receives priority.

C. New Marine Access Points

Cape Town has a varied coastline exposed to high wind and wave activity with few sheltered bays suitable for marine access points such as boat launch sites and jetties. Opportunities to develop and establish new suitable marine access points are extremely limited. As such, the existing marine access points that are available should be considered vital assets.

As part of the City's Economic and Spatial Development Plan for the coastline, possible and viable new marine access points will be investigated. This investigation will address historical redress, fair spatial distribution and safe and easy accessibility of such marine access points to all City communities.

D. Environmental and Operational Management Plans

The following Environmental and Operational Management Plans are in place, and are available as annexures to this chapter (Annexures B– J). EOMPs are under development for those launch sites that do not currently have plans in place.

1. Fish Hoek (sailing) – Annexure B
2. Hottentots Holland – Annexure C
3. Kommetjie – Annexure D
4. Melkbosstrand – Annexure E
5. Miller's Point – Annexure F
6. Strand – Annexure G
7. Table View – Annexure H
8. Three Anchor Bay – Annexure - I
9. Witsands – Annexure J

E. Roles and Responsibilities

- The Sport, Recreation and Amenities Department:
 - ensuring all marine access points have the relevant EMP's in place;
 - that these EMP's are kept up to date and amended when necessary;
 - that the relevant leases for the management of access points are up to date and in place;
 - the repairs and maintenance of marine access points

- The Environmental Resource Management Department will play a supporting role to ensure that environmental considerations are adequately accounted for in the Operational Management Plans, and in future planning for additional marine access points.
- City of Cape Town Marine and Coastal Law Enforcement Unit:
 - will play an active role in the application and enforcement of conditions of use for marine access points; and
 - ensure co-ordination with other relevant law enforcement agencies (national, provincial and municipal) in order to address environmental compliance issues associated with the use of marine access points.
- Western Cape Environmental Affairs and Development Planning:
 - Listing of public boat launch sites. More information can be obtained at: <http://www.westerncape.gov.za/service/permits-drive-beach-and-licences-operate-boat-launching-site>
- Department of Environmental Affairs: Oceans and Coasts Branch:
 - Issuing of permits for the use of vehicles in the coastal zone.
- Department of Agriculture, Forestry and Fisheries:
 - Issuing of rights and permits in terms of the Marine Living Resources Act.

A: Location of public boat launch sites and jetties



OPERATIONAL MANAGEMENT PLAN FOR FISH HOEK BEACH

Fish Hoek Sailing Club & Trek Net Fisherman

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations (“Beach Regulations”) published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Fish Hoek Beach (the area of beach between 34°08'13.6"S; 18°26'02.3"E and 34°08'17.5"S; 18°25'59.2"E). Below please find the proposed Operational Management Plan (OMP) for Fish Hoek Beach.

Based on this generic OMP, the OMP for the Fish Hoek Beach includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the beach and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20). The City may furthermore delegate their responsibility and management of the launch site to any user with a valid permit, subject to the user complying to the terms set out in the OMP.

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

Fish Hoek Beach (above the high water mark) is owned by the City of Cape Town, and is situated off the Main Road (M4) in Fish Hoek.

The boat launching facilities at Fish Hoek include the following:

- ❑ 5 large gravel parking areas (non-demarcated), 2 large paved parking areas and 1 tarred parking area.
- ❑ Two entrances leading onto the beach (one utilised by the Fish Hoek Beach Sailing Club (FBSC) and one utilised by Trek Net Fisherman).
- ❑ Public toilets.
- ❑ Law Enforcement offices.
- ❑ A clubhouse for members of the FBSC.
- ❑ A large boat yard for storing trailers and hobie cats for members of the FBSC.
- ❑ A storage and fish cleaning area for Trek Net Fisherman.
- ❑ A raised platform allowing Trek Net Fisherman to see fish from the dunes, without having to walk on the dunes (see map 1).
- ❑ A Surf Lifesaving clubhouse, manned by the Fish Hoek Beach Surf Lifesaving Club.

The Fish Hoek Beach Launch Site is owned and managed by the CoCT. Currently no lease agreement exists for this site. Future reference in this OMP to the Fish Hoek Beach Launch Site refers to the all the associated facilities required for boat launching. Map 1 shows the location of the boat launching facilities at the Fish Hoek Beach.

1.6 Site usage

The site is not highly utilised, only being used over the holiday season and weekends in the summer months. Vehicles are rarely used to launch boats; most are pushed to the seashore by hand. Even during large organised events (e.g. sailing events), the usage never exceeds the “carrying capacity” for the parking areas.

The following uses have been recorded at the boat launch site:

- ❑ The majority of the launch site users are recreational users (e.g. Kayaks, hobie-cats, surf skis etc).
- ❑ The site occasionally used by Trek Net Fisherman.
- ❑ Fish Hoek Beach is a very popular holiday destination and is highly utilised during holidays and weekends in the summer months.
- ❑ The Fish Hoek Surf Lifesaving Club (FSLC) carries out regular exercise and training programs.

No accurate user counts exist for the site. Members of the FBSC launch with the aid of a vehicle approximately four times a year. The FSLSC launch an estimated 50 times a year (approximately every weekend between November to the end of April, without the use of a vehicle). The users and associated levels of usage are seasonal and weather dependent.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is accessed approximately 200m from the Main Road (M4) in Fish Hoek. The layout of the access to, and traffic flows through the parking areas at the site are shown in Map 1. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced off to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 1 for the extent of the hardened road surfaces). No vehicle is permitted in any sensitive areas (e.g. dune areas) on, or abutting, the site. The shortest route to the water will be used. Vehicles will offload/load and return to the parking area immediately.
- 2.1.3** Vehicles, their trailers and the drivers or boat launch operators using the boat launch sites shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle, only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (shown in Map 1).
- 2.1.5** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are attached. Map 2 further indicates the location for the posting of the signage and safety requirements for the site.
- 2.1.6** A fee is to be charged and a ticket issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). A chain/boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year. On payment of the instalment, the user must be issued with and be made aware of the conditions of the OMP. They will furthermore be issued with a key to the chain/boom at the entrance to enable them to access the launching site. The launching site is kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. Only persons who are in possession of a valid permit (and key) may access this slipway. The boom is to be closed between sunset and sunrise, unless by special arrangement for night launches.

- 2.1.7** The limits on the numbers of boats that may launch from each site will be linked to the availability of parking and other service facilities. This limit includes boats in the process of being launched or retrieved.
- 2.1.8** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1400cc engine capacity shall not be permitted to launch a boat at the site.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats may only have a single engine, and an engine capacity no greater than a 50 HP. Boats longer than 5 meters shall not be permitted to launch from the site.

2.2 Parking management

- 2.2.1** All the parking areas/bays for vehicles and vehicle-and-trailers will be properly demarcated and vehicle flows clearly indicated.
- 2.2.2** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. Map 2 shows vehicular access routes, boat launch site and associated parking.

2.3 Boat Launch area

- 2.3.1** Every effort shall be made to minimise disturbance to the beach surface during the process of launching and retrieving boats, i.e. only tow vehicles with sufficient capacity may be used - this includes engine capacity, tyre profile, tyre pressure, driver proficiency, etc.
- 2.3.2** The launch area shall not be used as an access to other parts of the beach.
- 2.3.3** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site, kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users. If kelp build-up has reached the extent that mechanical means is necessary, prior authorisation and consent must be obtained from the relevant authorities.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.

- 2.4.2** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises. No alcohol may be consumed on site, except within the confines of the Clubhouse as per the approved Liquor Licence.
- 2.4.3** All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained at the FSLC. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.
- 2.4.4** Where feasible, designated launch positions at launch sites on beaches shall be clearly demarcated. The areas demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 2.
- 2.4.5** Boats should not be left unattended on the seashore and beached boats shall be removed from the launch site area within 10 minutes of arrival after beaching. No parking on the beach is permitted.
- 2.4.6** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.7** A boom or chain gate will to be constructed in front of the slipway, to enable the licensed operator to control access. The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats. If the launch site is to be closed to users, the boom will locked by the operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.8** The launch area will be kept clear of all other users when in use. Signage and beacons will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated sailing/boating area (see map 3).
- 2.4.9** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and it's associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.

- 2.5.3** All boats launching from the site are to carry a functional form of communication. (Note: boats not exceeding the one nautical mile limit are not required to have a radio).

2.6 Jet skis/Personal watercraft (PWC)

- 2.6.1** No launching of jet skis shall be allowed to take place from these launch sites.

2.7 Night launching and beaching

- 2.9.1** No night launching may take place from this site, unless in the event of an emergency.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 3 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** Except during launching and landing, boats under power in the in-shore area are not to approach within 200m of other users (divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 3). Adequate signage is to be posted; informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/landing areas (see Map 3).

2.9 Special events and functions

- 2.9.1** In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events.

2.9.2 In order to cater for special events and functions, the licensed operator is to ensure that sufficient staff is available to cater for, and mitigate, the impacts resulting from an increase in users. During such events the licensed operator is to aggressively manage and enforce the conditions of the OMP. The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of overnighting at the boat launch site
- Prevention of fish hawking on site
- Control over the cleaning of boats
- Control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Preventing conflicts between different user groups
- Compliance with minimum safety standards
- The management of noise pollution

2.10 Toilet facilities and waste water treatment

2.10.1 The existing toilet and ablution facilities associated with the boat launch site are indicated in Map 1. The Licensed operator shall ensure that all toilet facilities used by boat launch site users are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

2.10.2 Wastewater must be discharged into a recognised drainage system. All wastewater is to be directed into the Municipal Waste Water drains. Where there is no municipal sewer available at the site, an adequately designed and maintained septic tank or any other acceptable wastewater treatment system is to be provided.

2.10.3 No washing of boats will be permitted at the launch sites or in the parking areas.

2.11 Pollution and litter management

2.11.1 All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events, the cleaning schedule is to take place at least once a day.

2.11.2 Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.

- 2.11.3** Refuelling supplies held at the launch sites will be in sealed containers, which are only opened once in place within the boat.
- 2.11.4** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.5** No scaling, cleaning of fish or disposal of bait may take place on the site.
- 2.11.6** No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** No dry starting of motors is allowed at the launch site or in the parking area. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and Municipal Police Officials of any illegal marine resource use activities occurring on the site. MCM and Municipal Police are to be notified of special events to ensure that enforcement staff are available to monitor the consumptive use of marine resources.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board near the launch site.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 2 shows the minimum signage requirements.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.
- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and City Law Enforcement Officers will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
FBSC	Fish Hoek Beach Sailing Club
FSLC	Fish Hoek Surf Lifesaving Club
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence-fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



- Parking areas
- Fish Hoek SLSC
- Look-out Platform
- Launching area
- Trek Net Fisherman (storage)

- Changing rooms
- Toilets
- Fish Hoek Beach Sailing Club (boat yard)
- Fish Hoek Beach Sailing Club House

Map 1 - Launching facilities





Information boards

i Entry routes

Launch areas

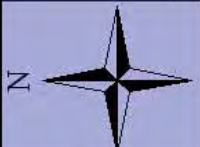
Exit routes

Fish Hoek Beach

Sailing Club Boatyard

Parking areas

Map 2 - Entry/Exit Routes & Parking Areas



- Boating and surfing prohibited
- Swimming prohibited
- Launch areas

Map 3 - Designated launching/landing & recreational area



Prepared by



for the City of Cape Town



OPERATIONAL MANAGEMENT PLAN FOR HOTTENTOTS HOLLAND BEACH SAILING CLUB

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations ("Beach Regulations") published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Hottentots Holland boat launching site. Below please find the proposed Operational Management Plan for the Hottentots Holland boat launch site.

Based on this generic OMP, the OMP for the Hottentots Holland launch site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site.

The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Hottentots Holland boat launch site (above the high water mark) is owned by the City of Cape Town, and is situated off Beach Road in Strand, approximately 2km from the from the Strand Slipway. It is utilised by the Strand Surf Lifesaving Club and Hottentots Holland Beach Sailing Club.

The boat launching facilities at Hottentots Holland Sailing Club include the following:

- ❑ A non-demarcated parking area, large enough to allow for approximately 30 vehicles or 15 vehicles-and-trailers.
- ❑ Two toilet blocks for recreational users, and clubhouses for both the Hottentots Holland Beach Sailing Club and the Strand Surf Lifesaving Club members.

Map 1 shows the location of the boat launching facilities at the Hottentots Holland Beach Sailing Club (HBSC) and Strand Surf Lifesaving Club. The HBSC currently lease the boat launch site from the CoCT. The leased area (the Hottentots Holland Beach Sailing Club), a portion of the Lourens River Parking Area (Erf 5236), approximately 270m² in extent, is shown in Map 1. Future reference in this OMP to the HBSC refers to the leased area, as well as the associated facilities required for boat launching. In terms of the current lease agreement, the HBSC is responsible for managing the launching facilities and for the ongoing maintenance and development of the facilities.

1.6 Site usage

The site is highly utilised, especially over the holiday season and weekends in the summer months. The usage seldom exceeds the “carrying capacity” for the parking area, even during organised events.

The following uses have been recorded at the boat launch site:

- ❑ Currently the launch site users are all recreational users (members of the HBSC) or lifesavers from the Strand Surf Lifesaving Club.
- ❑ Rescue and other official users intermittently use the site (NSRI, Metro Rescue, SLSC, etc).
- ❑ There are several, small dinghies, hobie cats and wind surfers launching from this site.
- ❑ The site is popular for sailing events and races.

No accurate user counts exist for the site. The users and associated levels of usage are seasonal and weather dependent. Approximately once a month a sailing race is organised, with an average of 30 hobie cats launched per event. All events are managed by the HBSC.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is a portion of the Lourens River Parking Area, accessed off Beach Road. The internal layout of the access to, and traffic flows through, the parking areas and launch site are shown in Map 1. An access gate or boom shall be constructed to prevent any unauthorised entry. Members of the Strand Surf Lifesaving club shall be issued with keys for the boom or gate, so that they may make use of the launch site for training and emergency purposes. The roads and parking areas must at least be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and launch site are to be properly demarcated to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces). No vehicle is permitted in any sensitive areas (e.g. dune areas) on, or abutting, the site. The shortest route to the water will be used. Vehicles will offload/load and return to the parking area immediately.
- 2.1.3** Vehicles, their trailers and the drivers or boat launch operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (shown in Map 1 & 2).
- 2.1.5** Only the designated boat launch site may be used to launch vessels. Erosion must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 1. Map 1 further indicates the location for the posting of the safety requirements for the site.

- 2.1.7** A fee is to be charged and a ticket issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). A chain/boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year. On payment of the instalment, the user must be issued with and made aware of the conditions of the OMP. They will furthermore be issued with a key to the chain/boom at the entrance to enable them to access the launching site. The launching site is kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. Only persons who are in possession of a valid permit (and key) may access this launch site.

The boom is to be closed between sunset and sunrise, except in the event of an emergency.

- 2.1.8** The limits on the numbers of boats that may launch from each site will be linked to the availability of parking and other service facilities. This limit includes boats in the process of being launched or retrieved. The number of vehicles and trailers may increase during an event, if the event co-ordinators have obtained the permission of the licensed operator to park legally in the residential parking areas.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1400cc engine capacity shall not be permitted to launch a boat at the site.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 3 meters and boat engines greater than 30 HP engine capacity shall not be permitted to launch from the site.

2.2 Parking management

- 2.2.1** During events, overflow vehicles and trailers may be parked legally in the residential area, provided that they do not interfere with traffic flows any user, visitor or resident.
- 2.2.2** All the parking areas/bays for vehicle-and-trailers will be properly demarcated and vehicle flows clearly indicated.
- 2.2.3** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. Map 2 shows vehicular access routes, boat launch site and associated parking.

2.3 Boat Launch area

- 2.3.1** Every effort shall be made to minimise disturbance to the beach surface during the process of launching and retrieving boats, i.e. only tow vehicles with sufficient capacity may be used - this includes engine capacity, tyre profile, tyre pressure, driver proficiency, etc.
- 2.3.2** The launch area shall not be used as an access to other parts of the beach.
- 2.3.3** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site, it may be spread out manually along another adjacent section of the coastline that will not impact on other users. If kelp build up has reached the extent that mechanical means is necessary, prior authorisation and consent must be granted from the relevant authorities.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.
- 2.4.2** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain at the site.
- 2.4.3** All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.
- 2.4.4** Where feasible, designated launch positions at launch sites on beaches shall be clearly demarcated. The area demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 3.
- 2.4.5** Boats should not be left unattended on the seashore and beached boat shall be removed from the launch site area within 10 minutes of arrival after beaching. No parking on the beach is permitted.
- 2.4.6** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.7** The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats. If the launch site is to be closed to users, the boom will be locked by the operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.

2.4.8 The launch area will be kept clear of all other users when in use. Signage will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated launching/ landing areas.

2.4.9 The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and its associated regulations.

2.4.10 Launching and beaching may only take place between the legally determined sunrise and sunset. These times will be clearly displayed on the notice board at the entrance to the slipway.

2.5 Vessel safety

2.5.1 No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.

2.5.2 Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.

2.5.3 All boats launching from the site are to carry a functional form of communication. (Note: boats not exceeding the one nautical mile limit are not required to have a radio).

2.6 Jet skis/Personal watercraft (PWC)

2.6.1 No launching of Jet skis shall take place from this launch site.

2.7 Night launching and beaching

2.9.1 No night launching shall take place from this site, except in the event of an emergency.

2.8 Managing conflict between different user groups

2.8.1 No other users may use the designated launch areas during periods of high usage. Map 3 indicates the extent of the launch area and the other adjacent areas designated for recreational use.

2.8.2 Except during launching and landing, boats under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m

distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.

- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel during periods of high usage (see Map 3). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 3).

2.9 Special events and functions

- 2.9.1** A range of competitive sailing events is held at the boat launch site. In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events.

- 2.9.2** In order to cater for special events and functions, the licensed operator is to ensure that sufficient staff is available to cater for, and mitigate, the impacts resulting from an increase in users. During such events the licensed operator is to aggressively manage and enforce the conditions of the OMP. The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of overnighting at the boat launch site
- Prevention of fish hawking on site
- Control over the cleaning of boats
- Control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Preventing conflicts between different user groups
- Compliance with minimum safety standards
- The management of noise pollution

2.10 Toilet facilities and waste water treatment

- 2.10.1** The existing toilet and ablution facilities associated with the boat launch site are indicated in Map 1. The Licensed operator shall ensure that all toilet facilities used by boat launch site users are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

- 2.10.2** No washing of boats will be permitted at the launch site or in the parking area.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events, the cleaning schedule is to take place at least once a day.

- 2.11.2** Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.
- 2.11.3** Refuelling supplies held at the launch sites will be in sealed containers, which are only opened once in place within the boat.
- 2.11.4** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.5** No cleaning of boats bodywork is permitted at the launch site or in the parking area.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** Motors are to be started and warmed up in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and City officials of any illegal marine resource use activities occurring on the site.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board near the launch site.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.
- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and City Law Enforcement Officers will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).

- 2.18.2** Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The boat launch operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The boat launch operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership

3. ACRONYMS USED IN THIS DOCUMENT

CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
HBSC	Hottentots Holland Beach Sailing Club
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence-fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



Toilets

Parking area

Strand Surf Lifesaving Club

Information board

Hottentots Holland Beach Sailing Club

Map 1 - Launching facilities & positioning of information boards





Exit routes
Entry routes
Parking area

Map 2 - Entry/Exit Routes & Parking Area





Launching/Landing
channel
Launching/Beaching
Area

Map 3 - Designated launching/landing & recreational areas



Prepared by



for the City of Cape Town

OPERATIONAL MANAGEMENT PLAN FOR THE KOMMETJIE SLIPWAY

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

MAY 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat-launching.

The Control of Vehicles in the Coastal Zone Regulations ("Beach Regulations") published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Kommetjie slipway. Below please find the proposed Operational Management Plan for the Kommetjie slipway.

Based on this generic OMP, the OMP for the Kommetjie Boat Launch Site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site.

The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the **licensed operator** within this OMP refers to the City of Cape Town. The City, through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the Regulations in terms of the National Environmental Management Act, 1998: Control of Vehicles in the Coastal Zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Kommetjie Boat Launch Site is owned by the City of Cape Town, situated off Beach Road, Kommetjie.

The boat launching facilities at Kommetjie include the following:

- ❑ A gate keeper's hut (wooden wendy house 1,8m x 2,3m) providing controlled access, with the access and exit point which are chained off.
- ❑ A large beach launching and landing/beaching area, where several boats can launch or land parallel to one another.
- ❑ A 42-bay parking area, all of which are demarcated and large enough to incorporate vehicles and their trailers (except long vehicles and trailers).
- ❑ Temporary ± 5-bay queuing area, for boats waiting to launch.

Map 1 shows the location of the boat launching facilities at Kommetjie. The Kommetjie Boat Club (KBC) currently lease the boat launch site from the CoCT. The leased area, a portion of Cape Farm 948, approximately 705m² in extent, is shown in Map 1. Future reference in this OMP to the Kommetjie Boat Launch Site refers to the leased area, as well as the associated facilities required for boat launching. In terms of the current lease agreement, the KBC is responsible for managing the launching of all boats from the launching areas, for ensuring the facility is open to public use and for the ongoing maintenance and development of the facilities.

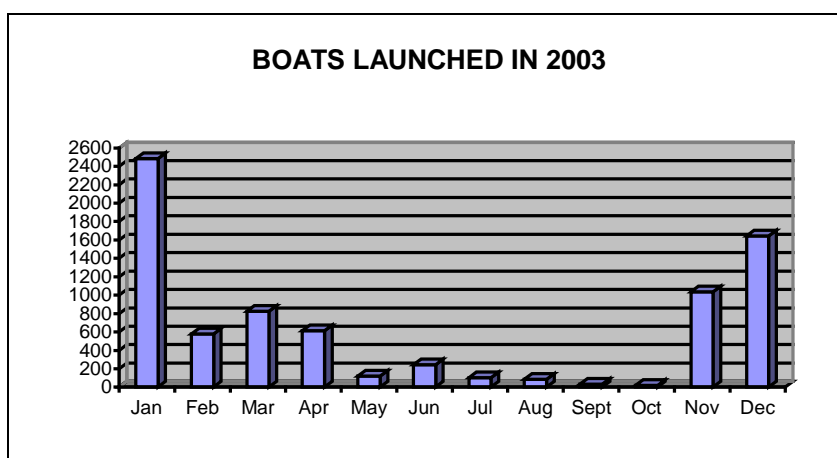
1.6 Site usage

As the boat launch site is one of the safest launching facilities on the western coast of the Peninsula, to which the public has unrestricted access, it has assumed a significant role for many users.

The following uses have been recorded at the boat launch site:

- ❑ Approximately 80% of the slipway users are recreational fishermen. The intensity of the crayfishing season and snoek runs results in temporary management chaos. This applies in particular to the crayfish season (dates subject to change); crayfishing is currently permitted on weekends and public holidays from 08:00 to 16:00. During these periods, up to 125 boats and their crews launch from the slipway on these days.
- ❑ Recreational, commercial and charter divers occasionally utilise the site.
- ❑ Rescue, research and other official users intermittently use the site (NSRI, Metro Rescue, SAPS water wing, Marine and Coastal Management, etc.).
- ❑ There are a few jet skis that occasionally launch from the site.

Accurate user counts exist for the site, with an average of 6000 launches per annum. The users and associated levels of usage are seasonal and weather dependent, see table below for the representation of usage in 2003.



2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The Kommetjie launch site is accessed by travelling westwards on Kommetjie Road (M65), turning off onto Beach Road. Access to the launch site is gained directly off Beach Road. The layout of the access to the parking area and launch site is shown in Map 2. The roads and parking areas must be adequately tarred and marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced off to ensure that all vehicles remain on the hardened road surface and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces at the site).
- 2.1.3** Vehicles, their trailers and the drivers or operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a boat, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (shown in Map 2).
- 2.1.5** Only the designated launch area may be used to launch boats. Erosion of the launch area must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 3. Map 3 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged and a ticket issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). The Boat Club members pay an annual instalment, and are entitled to free access for a year. On payment of the instalment the members must be made aware of the conditions of the OMP and the Code of Conduct. Club members will be issued with keys to the chain/boom at the entrance to enable them to access the launching site. Should these members launch they have to inform the duty controller on their return.

- 2.1.8** The launching site is to be kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. The duty controller officer is contactable via cellphone, with the number clearly displayed on the control hut. The duty control officer is to remain on site until all boats return.
- 2.1.9** A strict limit of 75 vehicles-and-trailers may use the site at any one time. This limit includes boats in the process of being launched or retrieved and vehicles-and-trailers parked in the designated parking areas.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1600cc engine capacity shall not be permitted to launch a boat at the site.
- 2.1.11** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 5.5 meters and outboards/inboards engines with a total capacity greater than 200 HP shall not be permitted to launch from the site.
- 2.1.12** Pedestrians traversing through sensitive dunes and bird nesting areas, adjacent to the site, will be managed to minimise environmental impacts. Access routes through such areas will be clearly defined, supported by appropriate signage, and highly sensitive areas may be closed to pedestrian and/or vehicular traffic.

2.2 Parking management

- 2.2.1** An upper limit of 42 vehicles-and-trailers will be allowed in the designated parking area. During peak periods, such as crayfish season, 33 overflow vehicles-and-trailers may park within the residential area. It should be noted that this designated parking area is also a public parking area and other users must also be accommodated.
- 2.2.2** All the parking areas/bays for vehicles-and-trailers will be properly demarcated and vehicle flows clearly indicated.
- 2.2.3** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. No-Parking zones will be clearly demarcated in front of the entry and exit ramps.

In order to accommodate large vehicles and trailers, the traffic island between the parking area and Beach Road should be removed and replaced with a narrow barrier. The walkway/pavement on the Bird Island side of the parking area should be extended to further accommodate longer vehicles and trailers.

2.3 Boat Launch area

- 2.3.1** Every effort shall be made to minimise disturbance to the beach surface during the process of launching and retrieving boats, i.e. only tow vehicles with sufficient capacity may be used - this includes engine capacity, tyre profile, tyre pressure, driver proficiency, etc.
- 2.3.2** The launch area shall not be used as an access to other parts of the beach.
- 2.3.3** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site, entry or egress routes, kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users. If after a storm kelp build up has reached the extent that mechanical means (e.g. 4x4 and trailer) is necessary, prior authorisation and consent must be obtained from the relevant authorities.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.
- 2.4.2** No alcohol or any other intoxicating substance shall be allowed at the launch site. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, at the launch site.
- 2.4.3** All club, SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed on the outside of the Gate-keeper's hut.
- 2.4.4** Launching and beaching may only take place between the legally determined sunrise and sunset. These times will be clearly displayed on the notice board at the entrance to the slipway.
- 2.4.5** The area demarcated for boat launching will be directed by adequate signage and positioned as indicated on Map 4.
- 2.4.6** Boats and vehicles may not be left unattended on the beach. Boats shall be retrieved from the beach within 10 minutes of arrival. No parking on the beach or access roads to the beach is permitted.
- 2.4.7** At the discretion of the Duty Control Officer, boats in the process of landing/beaching shall have priority over boats wishing to launch.

- 2.4.8** The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the launching area, or any other emergency that will prevent the safe launching or retrieval of boats from the beach.
- 2.4.9** If the launch site is to be closed to users, the chain-gate will be locked by the licensed operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.10** The safety of all users in the landing/launching channel is under the control of the Duty Control Officer. Signage will be posted at the slipway informing other users (e.g. swimmers) to remain outside of the demarcated launching/landing areas.
- 2.4.11** The licensed operator shall ensure that only persons who are suitably licensed (e.g. relevant code driving license) shall operate vehicles for launching or retrieval on the site.
- 2.4.12** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and its associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** All boats launching from the site are to carry a functional form of communication. (i.e. in the case of an emergency the boat can make contact with emergency services and can be contacted by emergency services).

2.6.1 Jet skis/Personal watercraft (PWC)

- 2.6.2** Jet ski wave riding may only take place in areas designated for such activity by the licensed operator of the launch site.
- 2.6.3** No jet ski shall be navigated across the front of any bather or bathers in the designated recreational areas.

2.7 Night launching and beaching

- 2.7.1** No night launches are allowed from this site, unless in the event of an emergency.

2.8 Managing conflict between different user groups

- 2.8.1** No bathers may swim in the designated launch areas. Map 4 indicates the extent of the launch area and the other adjacent areas designated for recreational use. All users in the launching/landing channel are under the direction of the Duty Control Officer.
- 2.8.2** Except during launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 4). Adequate signage is to be posted, informing other users (e.g. swimmers, divers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 4).

2.9 Special events and functions

- 2.7.2** In order to cater for special events and functions, the licensed operator or the boat club is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users.

During the period of high usage, the licensed operator is to aggressively manage and enforce the conditions of the OMP. The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking.
- Control of alcohol consumption, anti-social activities, littering and vandalism.
- Prevention of overnighting at the boat launch site.
- Prevention of fish hawking on site.
- Ensuring control over the cleaning of boats.
- Ensuring control over the disposal of offal.
- Monitoring of, and compliance with, the Marine Living Resources Act.
- Prevention of conflicts between different user groups.
- Ensuring compliance with minimum safety standards.
- Provision of temporary toilets.

2.10 Toilet facilities and waste water treatment

- 2.10.1** The existing toilet and ablution facilities, associated with the boat launch site are indicated in Map 1. The licensed operator shall ensure that all toilet facilities used by persons launching boats from the site are properly maintained and in a clean and hygienic condition at all times.

During busy periods, these toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day. Two additional chemical toilets shall be provided on site during periods of high usage (weekends, school holidays, and other public holidays during the crayfish season). These temporary toilets are to be placed alongside the gate keepers hut when in use. Toilets are to be secured in a removable frame to ensure that they are not blown over by the wind, knocked over or vandalised. Signage will be erected to encourage more users to use the existing municipal toilets.

- 2.10.2** No washing of boats will be permitted on the slipways, parking area or at the Municipal toilets.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse at the launch site and surrounding areas utilised by the launch users, is to be cleaned up by the licensed operator on a daily basis.
- 2.11.2** Seven plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events and snoek runs, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced (See map 4 for the positioning of the bins).
- 2.11.3** Bins provided at the site and are to be “baboon-proofed”.
- 2.11.4** Refuelling supplies held at the launch sites will be in sealed containers, which are only to be opened once in place within the boat.
- 2.11.5** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.6** No scaling, cleaning of fish or disposal of bait may take place on the site.
- 2.11.7** No cleaning of boats bodywork is permitted on site.
- 2.11.8** Disposal of fish waste/bait within 500m of the backline of breakers not permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.

2.12.2 Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.

2.12.3 No dry-starting of engines is allowed at the launch site. Any users not complying with these regulations shall not be permitted to launch. The licensed operator is responsible for ensuring that management measures are put in place to address noise complaints from users, visitors and residents.

2.13 New developments

2.13.1 No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.13.2 If there is a need to remove or clear rocks and sand from the channel, then Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989 is applicable (i.e. an Environmental Impact Assessment will have to be undertaken).

2.13.3 The general maintenance and upgrading of the boat launch site should not compromise the environmental integrity of the area. The upgrading of the area should furthermore harmonize with the Kommetjie Village theme and not negatively impact on the aesthetic value of the location.

2.14 Helicopters

2.14.1 There are no demarcated helicopter-landing sites at the site.

2.15 Archaeological sites

2.15.1 Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

2.16.1 All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and SANParks officials of any illegal marine resource use activities occurring on the site.

- 2.16.2** The licensed operator shall facilitate access to the site to MCM, Municipal Police and SANParks to monitor and enforce regulations relating to the consumptive use of marine resources.
- 2.16.3** Fish and crayfish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board at the launch site. This communication may also take the form of a pamphlet provided to each user, detailing the specific requirements of the OMP.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 3 shows the minimum signage requirements.

The licensed operator shall be responsible for monitoring compliance with this OMP. An additional person to the Duty Control Officer will be employed to enforce user compliance to the OMP over weekends, school holidays and other public holidays during the crayfish season. This person will have access to a phone and all the relevant contact numbers of organisations that can enforce the conditions of the OMP. The function of this attendant will, amongst others, be to manage parking arrangements within the parking area, control traffic flows, control littering, control noise and other anti-social behaviour, encourage people to utilise the municipal toilet and to clean litter from both the site and adjacent parking bays within the residential area.

- 2.17.3** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.4** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and SANParks officials will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS. The licensed operator may contract a security service to provide 24-hour site surveillance where required.
- 2.17.5** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).
- 2.18.2** Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

KBC	Kommetjie Boat Club
CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SANParks	South African National Parks
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



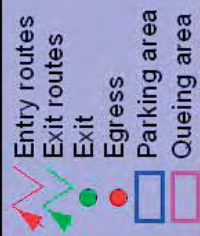
Launch area

Leased area

Ablution facilities

Map 1 - Launching facilities







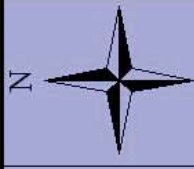
Map 2 - Entry/Exit Routes and Parking Areas





-  Proposed placement of Information Boards
-  Proposed placement of Baboon-proof bins

Map 3 - Proposed positioning of Baboon-proof bins and Information boards

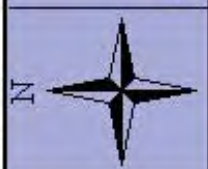




 Launching/Landing channel

 Launching/Landing area

Map 4 - Launching/landing area & channel



OPERATIONAL MANAGEMENT PLAN FOR MELKBOS SLIPWAY

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations (“Beach Regulations”) published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Melkbos Boat Launching Site. Below please find the proposed Operational Management Plan for the Melkbos Boat Launching Site.

Based on this generic OMP, the OMP for the Melkbos Boat Launch Site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The function of the OMP is to ensure that the licensed operator utilises the boat launching site in an environmentally approved manner. It is to ensure that all activities comply with the relevant legislation. The activities taking place at the site with regards to launching a boat must take place with minimal disturbance to the surrounding residents, users and visitors.

A further function of the OMP is to ensure compliance with the regulations in terms of the National Environmental Management Act, 1998: Control of Vehicles in the Coastal Zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*.

1.5 Site description

The Melkbos boat launching site (above the high water mark) is owned by the City of Cape Town, and is situated off Beach Road in Melkbos, approximately 30km from Cape Town.

The boat launching facilities at Melkbos include the following:

- ❑ A large tarred vehicle and vehicle-and-trailer parking area.
- ❑ A concrete ramp leading onto the beach.
- ❑ A municipal toilet facility.

The Melkbos Boat Launching Site is owned and managed by the CoCT. Currently no lease agreement exists for this site. Future reference in this OMP to the Melkbos Boat Launching Site refers to all the associated facilities required for boat launching. Map 1 shows the location of the boat launching facilities at the Melkbos Boat Launch Site.

1.6 Site usage

The site is highly utilised, especially over the holiday season and weekends in the summer months. The usage often exceeds the “carrying capacity” for the parking area, especially during organised events.

The following uses have been recorded at the boat launch site:

- ❑ Currently between 80-85% of the slipway users are for recreational purposes (rubber ducks and jet skis).
- ❑ Rescue, research and other official users intermittently use the site (NSRI, Metro Rescue, SAPS water wing, Marine and Coastal Management, Municipal Law Enforcement, SLSC, etc.).
- ❑ There are several kayaks, catamarans, hobie cats and wind surfers making use of this site or areas adjacent to the launching site.
- ❑ The site is popular for events ranging from rubber ducks/semi rigids, sailing and jet-ski events and races.

No accurate user counts exist for the site. The users and associated levels of usage are seasonal and weather dependent.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is accessed approximately 400m from Otto du Plessis Drive (M14) off Beach Road. The internal layout of the access to, and traffic flows through, the parking areas and slipways at the site is shown in Map 2. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces and grassed area at the site). No vehicle is permitted in any sensitive area (e.g. dune areas) on, or abutting the site. The shortest route to the water will be used. Vehicles will offload/load and return to the parking area immediately.
- 2.1.3** Vehicles, their trailers and the drivers or boat launch operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle, only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (see Map 2).
- 2.1.5** Only the designated boat launch ramp may be used to access the beach and launch vessels. Erosion and undercutting of the access ramp must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 1. Map 1 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged and a ticket issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). A boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year.

On payment of the instalment, the user must be made aware of the conditions of the OMP and issued with a key to the chain/boom at the entrance to enable them to access the launching site. The launching site is kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. Only persons who are in possession of a valid permit (and key) may access this slipway. The boom is to be closed between sunset and sunrise, unless in the event of an emergency.

- 2.1.8** The limits on the numbers of boats that may launch from each site will be linked to the availability of parking and other service facilities. This limit includes boats in the process of being launched or retrieved. All vehicles and trailers must be parked legally on the hardened road surface and not hinder traffic flows.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), unsuitable vehicles shall not be permitted to launch a boat at the site.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats with a solid hull longer than 6m, inflatable boats longer than 7.5m and boat engines with greater than 200 HP engine capacity shall not be permitted to launch from the site.

2.2 Parking management

- 2.2.1** During peak periods, overflow trailers shall, by agreement of the management authority of the recreational area, be accommodated on the public grassed area (see map 2).
- 2.2.2** All the parking areas/bays for vehicle-and-trailers will be properly demarcated and vehicle flows clearly indicated.
- 2.2.3** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. Map 2 shows vehicular access routes, boat launch site and associated parking.

2.3 Boat Launch area

- 2.3.1** Where boat launches use the beach area, every effort shall be made to minimise disturbance to the beach surface during the process of launching and retrieving boats, i.e. only tow vehicles with sufficient capacity may be used - this includes engine capacity, tyre profile, tyre pressure, driver proficiency, etc.
- 2.3.2** The launch area shall not be used as an access to other parts of the beach.
- 2.3.3** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site, kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users.

If kelp build up has reached the extent that mechanical means is necessary, prior authorisation and consent must be granted from the relevant authorities.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.
- 2.4.2** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises.
- 2.4.3** All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site and at the public phone box.
- 2.4.4** Designated launch positions at the launch site on the beach shall be clearly demarcated. The area demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 1.
- 2.4.5** Boats may only remain beached at the designated beaching area. All boats are to be retrieved and removed from the seashore before sunset. Map 2 shows the position where boats may be beached. Boats should not be left unattended on the seashore. No parking of vehicles on the beach is permitted.
- 2.4.6** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.7** A boom or chain gate will to be constructed in front of the slipway, to enable the licensed operator to control access. The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats. If the launch site is to be closed to users, the boom will be locked by the operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.8** The launch area will be kept clear of all other users when in use. Buoys will be provided to demarcate the launching and landing areas. Signage will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain inside their demarcated use areas and outside of the demarcated launching/landing area.
- 2.4.9** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to.

No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and its associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.
- 2.5.3** Boats launching from the site are to carry a functional form of communication. (Note: boats not exceeding the one nautical mile limit are not required to have a radio).

2.6 Jet skis/Personal watercraft (PWC)

- 2.6.1** Jet ski wave riding may only take place in areas designated for such activity by the licensed operator of the launch site.
- 2.6.2** No jet ski may be navigated in a dangerous manner or be driven at excessively high speeds within the surf zone of the launching area. No jet ski shall be navigated across the front of any bather or bathers in the designated recreational areas.

2.7 Night launching and beaching

- 2.9.1** Use of the launch site for night operations is to be strictly controlled by the licensed operator. Relevant safety and statutory requirements as stipulated by SADSA and SAMSA, must be met and enforced by the licensed operator. The licensed operator is to provide controlled access for night boat launches and landings.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 4 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** Except during launching and landing, boats under power in the in-shore area are not to approach within 200 m of other users (anglers, divers, swimmers, surfers, body-boarders, jet skis or any other non-powered craft).
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers.

Other users are to stay clear of the launch and landing channel (see Map 3). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 3).

2.9 Special events, functions and “fish runs”

2.9.1 A range of competitive events is held at the boat launch site. These include Rubber duck/semi-rigid, sailing and jet ski competitions. In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events. The number of trailers may increase during an event, if the event co-ordinators have permission from the licensed operator to park trailers on the designated parking and overflow areas (see Map 2).

2.9.2 In order to cater for special events and functions, the licensed operator is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users. During such events the licensed operator is to ensure that the provisions of the OMP are complied with – and the following additional actions/control measures take place:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of fish hawking on site
- Control over the cleaning of boats
- Control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Preventing conflicts between different user groups
- Compliance with minimum safety standards
- Provision of temporary toilets

2.10 Toilet facilities and waste water treatment

2.10.1 The existing toilet and ablution facilities associated with the boat launch site are indicated in Map 1. The licensed operator shall ensure that all toilet facilities used by boat launch site users are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

2.10.2 No washing of boats will be permitted on the site.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events, the cleaning schedule is to take place at least once a day.
- 2.11.2** Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.
- 2.11.3** Refuelling supplies will be in sealed containers, which are only to be opened within the boat.
- 2.11.4** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.5** No scaling, cleaning of fish or disposal of bait may take place on the site.
- 2.11.6** No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** No dry starting of motors may take place within the parking and residential area. Motors may only be started and warmed up on the beach, in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites, but the site is made available for emergency rescue and evacuation operations.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM, Municipal Police and SAPS officials of any illegal marine resource activities occurring on the site. MCM, Municipal Police and SAPS are to be notified of special events to ensure that enforcement staff are available to monitor the consumptive use of marine resources.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board near the launch site.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 3 shows the minimum signage requirements.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.
- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and City Law Enforcement Officers will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police and/or SAPS.

- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence-fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



- ★ Concrete slipway
- Beaching area
- Launch site
- Information boards
- Parking area

Map 1 - Launching facilities



Prepared by



for the City of Cape Town



40-bay vehicle parking

Beach Road

Overflow parking for trailers

Concrete slipway

No Parking

- ★ Concrete slipway
- Overflow parking for trailers
- Exit routes
- Entry routes
- Parking area
- No parking area

Map 2 - Entry/Exit Routes & Parking Areas



OPERATIONAL MANAGEMENT PLAN FOR MILLER'S POINT

Northern and Southern Slipways

PREPARED BY:

Peninsula Permits cc.
Envirocentric

FOR:

The City of Cape Town

May 2004

1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations ("Beach Regulations") published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require the licensed operator of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply, in part, with these regulations, the City of Cape Town (CoCT) has drafted a generic Operational Management Plan (OMP) to mitigate the environmental impacts of the boat launch sites within the Municipal Area of Cape Town.

Based on this generic OMP, the OMP for the Miller's Point boat launch site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Miller's Point Recreational Area (MPRA) is a 14ha site owned by the City of Cape Town, situated some 2km south of Simon's Town. The MPRA, extends along a 1,5km coastal strip and currently incorporates a restaurant, holiday accommodation, a recreation amenity and boat launching facilities, administered by the Cape Boat and Ski-Boat Club (CBSC).

The boat launching facilities on the southern portion of the MPRA include the following:

- ❑ A clubhouse with a 37-bay vehicle-and-boat parking area with an electronically controlled access point.
- ❑ A slipway into Rumbly Bay (the “southern slipway”).
- ❑ A slipway and breakwater on the northern edge of a large spoil mound (the “northern slipway”) with an associated 56-bay vehicle-and-boat parking area.

Map 1 shows the location of the boat launching facilities at the Miller's Point boat launch site. The CBSC currently lease the boat launch site from the CoCT. The leased area is approximately 17,640m² in extent and is shown in Map 1. Future reference in this OMP to the Miller's Point Boat Launch Site refers to this leased area, unless otherwise indicated in the OMP.

In terms of the lease agreement, the CBSC is responsible for managing the launching of all boats from the launching areas, for ensuring the facility is open to public use and for the ongoing maintenance and development of the facilities.

1.6 Site usage

As the boat launch site is the only launching facility on the eastern shore of False Bay to which the public has ease off access, playing an important role in allowing access by communities to the coastal asset. The majority of boat launches (95%) take place from the northern slipway.

The following uses have been recorded at the boat launch site:

- ❑ Currently between 80-85% of the slipway users are commercial fishermen. The intensity of commercial fishing activities during the seasonal fish runs result in temporary management difficulties. This applies in particular to the snoek runs in July /August and sometimes in September/October. During these periods, up to 100 boats and their crews launch from the slipway every day.
- ❑ The CBSC is well utilised by the recreational fishing community, and recreational anglers (both club and non-club) account for a significant proportion of users of the site.
- ❑ Recreational, commercial and charter diving is an increasingly popular usage at the site.
- ❑ Rescue, research and other official users intermittently use the site (NSRI, Metro Rescue, SAPS water wing, Marine and Coastal Management, SA Museum, SA Navy, etc.). The facility is used to co-ordinate search and rescue operations in the area.
- ❑ Kayaks, small dinghies and wind surfers launch at the southern slipway.
- ❑ The site is popular for events ranging from angling competitions (inter-club, inter-provincial, national, international) to kayak and pentathlon races.

No accurate user counts exist for the site. The users and associated levels of usage are seasonal and weather dependent. Some months can see 300 boats launched and others only 10.

2. OPERATIONAL MANAGEMENT REQUIREMENTS FOR THE MILLER'S POINT BOAT LAUNCH SITE

2.1 Access management

- 2.1.1** The site is accessed off the M4 approximately 2km south of Simon's Town. The internal layout of the access to, and traffic flows through, the parking areas and slipways at the site is shown in Map 2. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes. An investigation of the feasibility of upgrading an existing unused gravel road outside the current lease area to establish a ring road to, and from, the northern slipway must be initiated.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced off to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. Except for the grassed area surrounding the clubhouse, all areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces and grassed area at the site).
- 2.1.3** Vehicles, their trailers and the drivers or operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the northern and southern slipways by a motor vehicle or tractor only for the purposes of launching or retrieving a boat. Upon launching (or retrieving) a boat, these trailers and vehicles are to be parked in the clearly demarcated parking areas shown in Map 2.
- 2.1.5** Only the designated northern and southern slipway may be used to launch boats. Erosion and undercutting of these slipways must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are attached. Map 3 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged for the use of the slipways, with CBSC members are entitled to a 50% discount. Key provisions of this OMP are, within the space constraints, to be described on the ticket.

The CBSC members may have exclusive use of the parking area adjacent to the Clubhouse (see Map 1). It is a secure parking area with CCTV and an electronic controlled gate. The public parking area is accessed via a manually operated boom controlled from a kiosk. The licensed operator is to ensure that a staff member is available during daylight hours to collect launch fees and provide a basic security presence. The licensed operator may provide a contracted security service and/or CCTV between sunset and sunrise to sustain a basic security presence and gate control after hours. The boom and electronic gates are to be closed between sunset and sunrise, unless by special arrangement of the licensed operator for night launches at which time the licensed operator will have a staff member present.

- 2.1.8** A strict limit of 103 vehicle-and-trailers may use the site at any one time, with the exception of high use days when, in agreement with the management authority, 50% of the municipal parking area may be utilised (**in accordance with 2.9.2**). This limit includes boats in the process of being launched or retrieved and vehicles-and-trailers parked in the designated parking and overflow areas.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1300cc engine capacity shall not be permitted to launch a boat at the site.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 12 meters and boat engines with greater than 500 HP engine capacity shall not be permitted to launch from the site.

2.2 Parking management

- 2.2.1** A limit of 56 vehicle-and-trailers will be allowed in the designated northern parking area, 37 in the southern parking area and 10 on the grass in front of the Clubhouse. During peak periods, such as snoek runs, overflow vehicles-and-trailers shall, by agreement of the management authority of the recreational area, be accommodated in the public and southern parking areas up to a maximum of 50% of the parking capacity of that parking area. The allowance for overflow vehicles-and-trailers to make use of the municipal parking area is subject to 2.2.2. (i.e. vehicles-and-trailers may only park in bays demarcated for that purpose).
- 2.2.2** All the parking areas/bays for vehicle-and-trailers will be properly demarcated and vehicle flows clearly indicated.

2.3 Boat Launch area

- 2.3.1** The boat launch area shall not be used as an access to other parts of the beach or to the surrounding recreational area.

- 2.3.2** Where required, the methods for cleaning slipways are restricted to:
- Manual brushing of the surface.
 - Mechanical brushing of the surface.
 - The application of environmentally friendly chemicals under the control of the Environmental Management Department of the CoCT.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods at the northern slipway, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals. The northern slipway will be clearly demarcated to enable two boats to be launched or retrieved parallel to each other. No alcohol may be consumed on site, except within the confines of the Clubhouse as per the approved Liquor Licence.
- 2.4.2** All club, SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed on the outside of the clubhouse, on the control booth at the north parking area and at the public phone box alongside the facility entrance on the Main Road to the south.
- 2.4.3** Boats and vehicles may not be left unattended on the slipways and boats shall be retrieved from the launch site area within 10 minutes of arrival at the slipway. No parking on the slipway or access roads to the slipway is allowed.
- 2.4.4** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.5** The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats from either slipway. If the launch site is to be closed to users, the boom will be locked by the licensed operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.6** The launch area will be kept clear of all other users when in use. Buoys will be provided to demarcate the launching and landing areas. Signage will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated launching / landing areas.
- 2.4.7** The licensed operator shall ensure that only persons who are suitably licensed (e.g. relevant code driving license) shall operate vehicles for launching or retrieval on the site.
- 2.4.8** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to.

No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and its associated regulations.

2.5 Vessel safety

2.5.1 No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.

2.5.2 All boats launching from the site are to carry a functional form of communication, (i.e. in the case of an emergency the boat can make contact with emergency services and can be contacted by emergency services).

2.6 Jet skis/Personal watercraft (PWC)

2.6.1 Jet ski wave riding may only take place in areas designated for such activity by the licensed operator of the launch site.

2.6.2 No jet ski may be navigated in a dangerous manner or be driven at excessively high speeds within the surf zone of the launching area. No jet ski shall be navigated across the front of any bather or bathers in the designated recreational areas.

2.7 Night launching and landing

2.7.1 Use of the launch site for night operations is to be strictly controlled by the licensed operator. Relevant safety and statutory requirements as stipulated by SADSA and SAMSA, must be met and enforced by the licensed operator. The licensed operator is to provide controlled access for night boat launches and landings.

2.8 Managing conflict between different user groups

2.8.1 No other users may use the designated launch areas. Map 4 indicates the extent of the launch area and the other adjacent areas designated for recreational use.

2.8.2 During launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.

- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 4).

Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 4).

2.9 Special events, functions and “fish runs”

- 2.9.1** A range of competitive events are held at the boat launch site. These include competitions such as:

- Club competitions: Offshore/Inshore
- Inter-club: Western Province Offshore Competitions
- Inter-club: Western Province Inshore Competitions
- Inter-Provincial Competitions
- SA National Championship
- International Championships

In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events.

- 2.9.2** In order to cater for special events and functions, the licensed operator or the boat club is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users.

During the period of the snoek runs – generally in July/August and sometimes in September/October – the licensed operator is to aggressively manage and enforce the conditions of the OMP. The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking.
- Control of alcohol consumption, anti-social activities, littering and vandalism.
- Prevention of overnighting at the boat launch site.
- Prevention of fish hawking on site.
- Ensuring control over the cleaning of boats.
- Ensuring control over the disposal of offal.
- Monitoring of, and compliance with, the Marine Living Resources Act.
- Prevention of conflicts between different user groups.
- Ensuring compliance with minimum safety standards.
- Provision of temporary toilets.

2.10 Toilet facilities and waste water treatment

- 2.10.1** The existing toilet and ablution facilities associated with the boat launch site are indicated in Map 1. These toilet facilities are to be included in any lease agreement for the management of the boat launch site (see 2.20.2). The Licensed operator shall ensure that all toilet facilities used by boat launch site users are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day. Additional chemical toilets must be provided on site during the snoek runs. Where toilets cannot be properly maintained or serviced (e.g. low water pressure, poor sewerage management, vandalism, etc.), these are to be shut and sealed and chemical toilets provided by the licensed operator.
- 2.10.2** Wastewater must be discharged into a recognised drainage system. All wastewater is to be directed into the Municipal Waste Water drains. Where there is no municipal sewer available at the site, an adequately designed and maintained septic tank or any other acceptable wastewater treatment system is to be provided. No washing of boats will be permitted on the slipways.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events and snoek runs, the cleaning schedule is to take place at least once a day.
- 2.11.2** Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events and snoek runs, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.
- 2.11.3** Dustbins at the site are to be "baboon-proofed".
- 2.11.4** Refuelling supplies held at the launch sites will be in sealed containers, which are only to be opened once in place within the boat. During organised competitions a fuelling tanker and/or bowser may be used with the relevant approvals from the local authority (e.g. Fire Chief).
- 2.11.5** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.6** No scaling, cleaning of fish or disposal of bait may take place on the site.

2.11.7 No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

2.12.1 The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.

2.12.2 Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.

2.12.3 Motors are to be started and warmed up in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

2.13.1 No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities and may only take place with permission of the landowner.

2.14 Helicopters

2.14.1 There is one demarcated helicopter-landing site that is only available for emergency rescue and evacuation operations. Helicopter landing will only be permitted at the specified landing zone (see Map 1). As this is the only landing zone at the Millers Point Area currently under the supervision of the CBSC, other users must obtain permission first, except in rescue operations.

2.15 Archaeological sites

2.15.1 Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

2.16.1 All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and SANParks officials of any illegal marine resource use activities occurring on the site.

MCM, Municipal Police and SANParks are to be notified of special events and sneek runs to ensure that enforcement staff are available to monitor the consumptive use of marine resources.

2.16.2 Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

2.17.1 The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board at each slipway.

2.17.2 Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 3 shows the minimum signage requirements.

2.17.3 The licensed operator shall be responsible for monitoring compliance with this OMP.

2.17.4 Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.

2.17.5 Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and SANParks officials will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS. The licensed operator will contract a security service to provide 24-hour site surveillance where required.

2.17.6 Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

2.18.1 The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).

2.18.2 Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

2.19.1 Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.

- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

CBSC	Cape Boat & Ski-Boat Club
CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
MPRA	Miller's Point Recreation Area
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SADSAA	South African Deep Sea Angling Association
SAMSA	South African Maritime Safety Authority
SANParks	South African National Parks
SAPS	South African Police Services
TMNP	Table Mountain National Park

4. OVERVIEW OF LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence-fishing permits shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

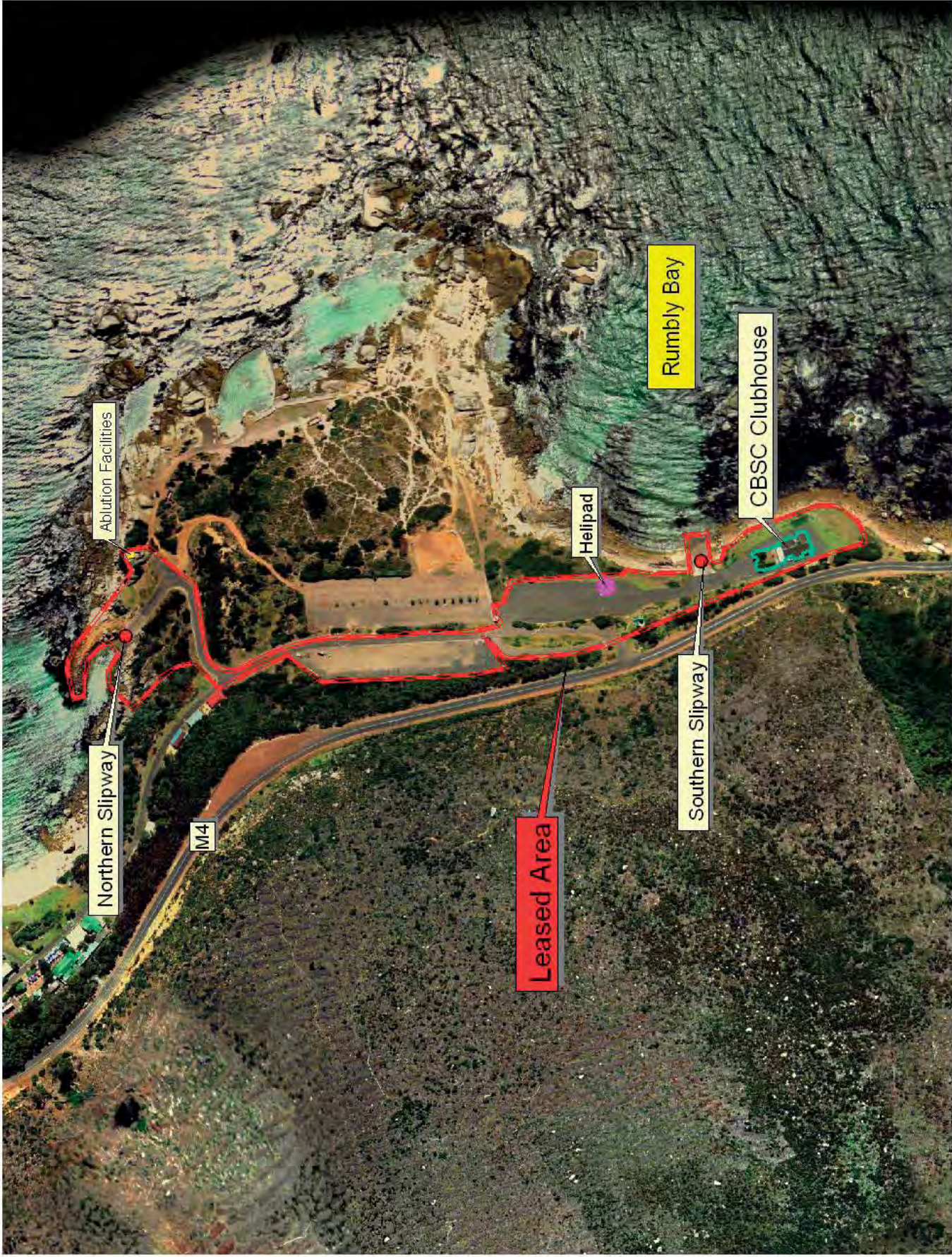
Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as "the beach".

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



- CBSC Clubhouse
- Ablution Facilities
- Leased Area
- Helipad

Map 1 - Launching facilities



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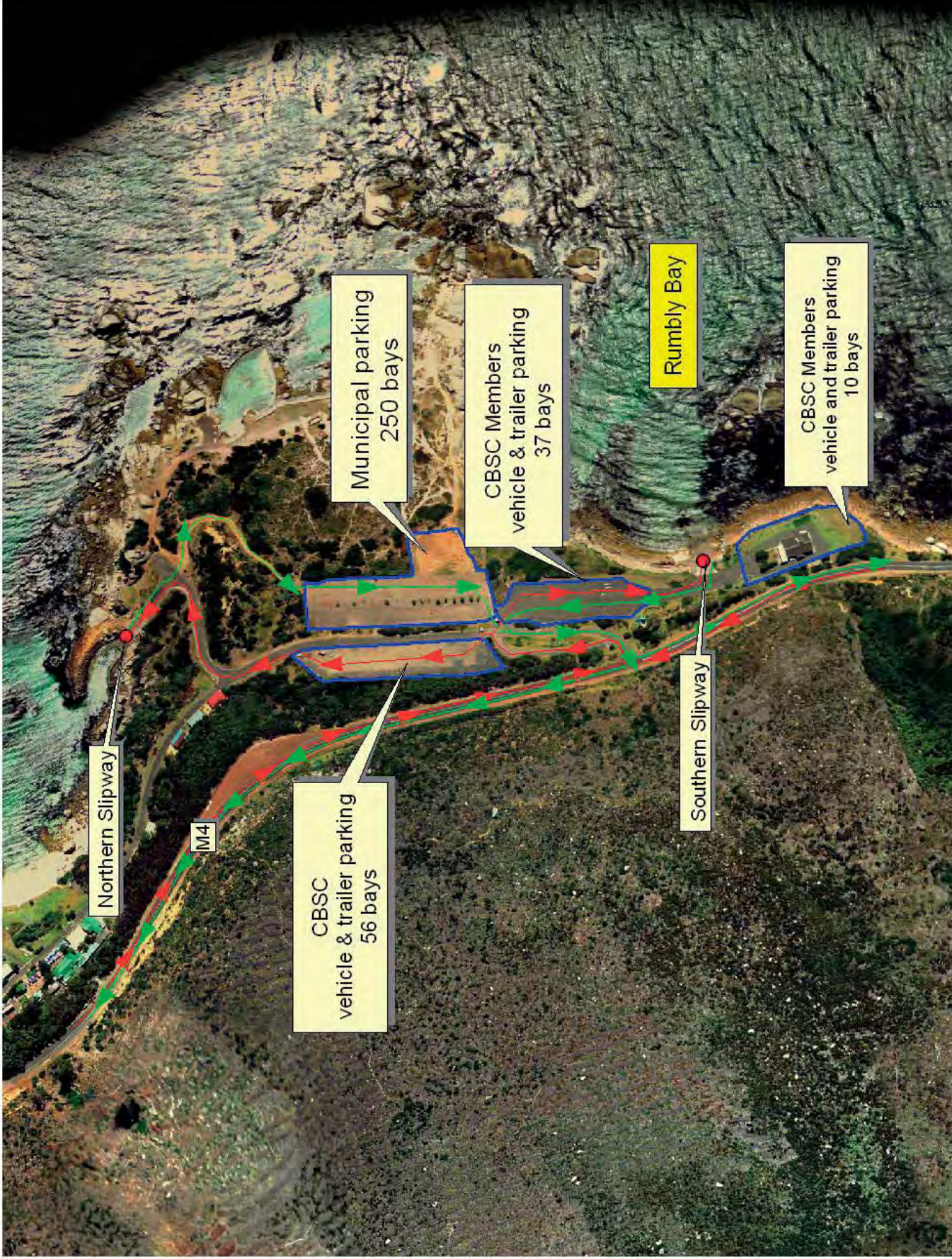
Map 2 - Entry/Exit Routes & Parking Areas



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Information
Boards

Map 3 - Positioning of Information Boards

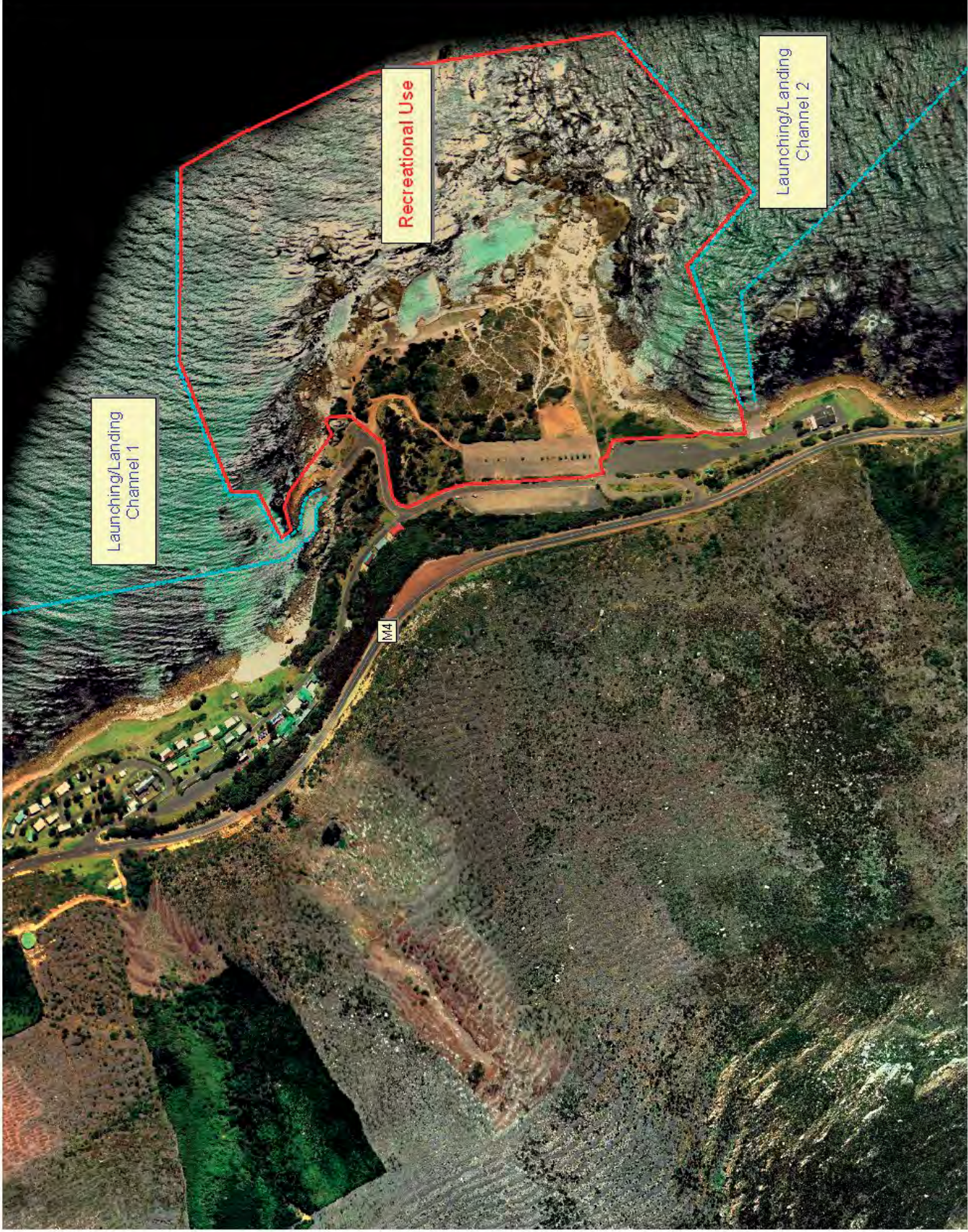


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for the City of Cape Town





Launching/Landing Channels

Recreational Area

Map 4 - Designated Launching/Landing and Recreational Use Areas



OPERATIONAL MANAGEMENT PLAN FOR THE STRAND SLIPWAY

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat launching.

The Control of Vehicles in the Coastal Zone Regulations (“Beach Regulations”) published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Strand boat launch site. Below please find the proposed Operational Management Plan for the Strand boat launch site.

Based on this generic OMP, the OMP for the Strand boat launch site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site.

The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the **licensed operator** within this OMP refers to the City of Cape Town. The City, through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Strand boat launching site (above the high water mark) is owned by the City of Cape Town, and is situated off Beach Road in Strand.

The boat launching facilities at Strand include the following:

- ❑ A 244-bay public vehicle area.
- ❑ A 10-bay vehicle-and-trailer parking area.
- ❑ A concrete slipway leading into the water.
- ❑ Toilet block for recreational users.
- ❑ A designated and constructed fish cleaning facility.

The Strand boat launch site is owned and managed by the CoCT. Currently no lease agreement exists for this site. Future reference in this OMP to the Strand boat launch site refers to the all the associated facilities required for boat launching. Map 1 shows the location of the boat launching facilities at the Strand boat launch site.

1.6 Site usage

The site is highly utilised, especially over the holiday season and weekends in the summer months. The usage often exceeds the “carrying capacity” for the parking area, especially during organised events and fish runs.

The following uses have been recorded at the boat launch site:

- ❑ Currently the majority of users at the site are recreational and commercial fisherman.
- ❑ Rescue, research and other official users intermittently use the site (NSRI, Metro Rescue etc).

An annual permit obtained from the municipality allows permit holders free access to most of the launch sites in the Strand area. No accurate user counts exist for the site. The users and associated levels of usage are seasonal and weather dependent. It is estimated that up to 3650 boats may launch from this site per annum, with an average of 20 boats being launched per day.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is accessed off Beach Road, Strand. The internal layout of the access to, and traffic flows through, the parking areas and slipways at the site is shown in Map 1. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 1 for the extent of the hardened road surfaces). No vehicle is permitted in any sensitive areas (e.g. dune areas) on, or abutting, the site. The shortest route to the water will be used. Vehicles will offload/load and return to the parking area immediately.
- 2.1.3** Vehicles, their trailers and the drivers or boat launch operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (shown in Map 1).
- 2.1.5** Only the designated boat launch ramp may be used to launch vessels. Erosion and undercutting of this slipway must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 1. Map 2 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged and a ticket issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). A chain/boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year. On payment of the instalment, the user must be made aware of the conditions of the OMP and issued with a key to the chain/boom at the entrance to enable them to access the launching site.

The launching site is kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. Only persons who are in possession of a valid permit (and key) may access this slipway. The boom is to be closed between sunset and sunrise, unless by special arrangement for night launches.

2.1.8 The limits on the numbers of boats that may launch from each site will be linked to the availability of parking and other service facilities. A strict limit of 244 vehicles and 20 vehicle-and-trailers may use the site at any one time. This limit includes boats in the process of being launched or retrieved (see Map 1).

2.1.9 Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1600cc engine capacity shall not be permitted to launch a boat at the site.

2.1.10 Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 5.5 meters and boat engines with greater than 200 HP engine capacity shall not be permitted to launch from the site.

2.2 Parking management

2.2.1 A limit of 244 vehicles and 20 vehicle-and-trailers will be allowed in the designated parking area.

2.2.2 All the parking areas/bays for vehicle-and-trailers will be properly demarcated and vehicle flows clearly indicated.

2.2.3 Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. Map 1 shows vehicular access routes, boat launch site and associated parking.

2.3 Boat Launch area

2.3.1 The launch area shall not be used as an access to other parts of the beach with a vehicle.

2.3.2 Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users.

2.3.3 Where required, the methods for cleaning slipways are restricted to:

- ° Manual brushing of the surface
- ° Mechanical brushing of the surface

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.
- 2.4.2** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises.
- 2.4.3** All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.
- 2.4.4** The area demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 2.
- 2.4.5** Boats and vehicles may not be left unattended on the slipways and boats shall be retrieved from the launch site area within 10 minutes of arrival at the slipway. No parking on the slipway or access roads to the slipway is allowed.
- 2.4.6** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.7** A boom or chain gate will to be constructed in front of the slipway, to enable the licensed operator to control access. The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats. If the launch site is to be closed to users, the boom will locked by the operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.8** The launch area will be kept clear of all other users when in use. Buoys will be provided to demarcate the launching and landing areas. Signage will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated launching/ landing areas.
- 2.4.9** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and it's associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** All boats launching from the site are to carry a functional form of communication. (i.e. in the case of an emergency the boat can make contact with emergency services and can be contacted by emergency services).

2.6 Jet skis/Personal watercraft (PWC)

- 2.6.1** No launching of Jet skis may take place from this site.

2.7 Night launching and beaching

- 2.9.1** Use of the launch site for night operations is to be strictly controlled by the licensed operator. Relevant safety and statutory requirements as stipulated by SADSA and SAMSA, must be met and enforced by the licensed operator. The licensed operator is to provide controlled access for night boat launches and landings.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 2 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** Except during launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 2). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/landing areas (see Map 2).

2.9 Special events, functions and “fish runs”

2.9.1 A range of competitive events are held at the boat launch site. These include Rubber duck/semi-rigid, sailing and jet ski competitions. In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events.

2.9.2 In order to cater for special events and functions, the licensed operator is to ensure that sufficient staff is available to cater for, and mitigate, the impacts resulting from an increase in users. During such events the licensed operator is to aggressively manage and enforce the conditions of the OMP.

The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of fish hawking on site
- Ensuring control over the cleaning of boats
- Ensuring control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Prevention of conflicts between different user groups
- Ensuring compliance with minimum safety standards
- Provision of temporary toilets

2.10 Toilet facilities and waste water treatment

2.10.1 The existing toilet and ablution facilities associated with the boat launch site are indicated in Map 1. The Licensed operator shall ensure that all toilet facilities used by boat launch site users are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

2.10.2 No washing of boats will be permitted on the slipways.

2.11 Pollution and litter management

2.11.1 All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events, the cleaning schedule is to take place at least once a day.

2.11.2 Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events, the bins are to be emptied daily.

Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.

- 2.11.3** Refuelling supplies will be in sealed containers, which are only opened once in place within the boat.
- 2.11.4** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.5** Scaling, cleaning of fish or disposal of bait may only take place at the designated fish cleaning area.
- 2.11.6** No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** Motors are to be started and warmed up in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and City officials of any illegal marine resource use activities occurring on the site. MCM and Municipal Police are to be notified of special events to ensure that enforcement staff are available to monitor the consumptive use of marine resources.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board the slipway.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.
- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and City Law Enforcement Officers will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).

2.18.2 Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

2.19.1 Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.

2.19.2 The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

2.20.1 The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.

2.20.2 The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.

2.20.3 The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.

2.20.4 This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence-fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

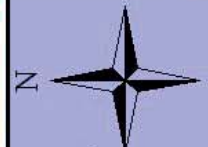
All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.

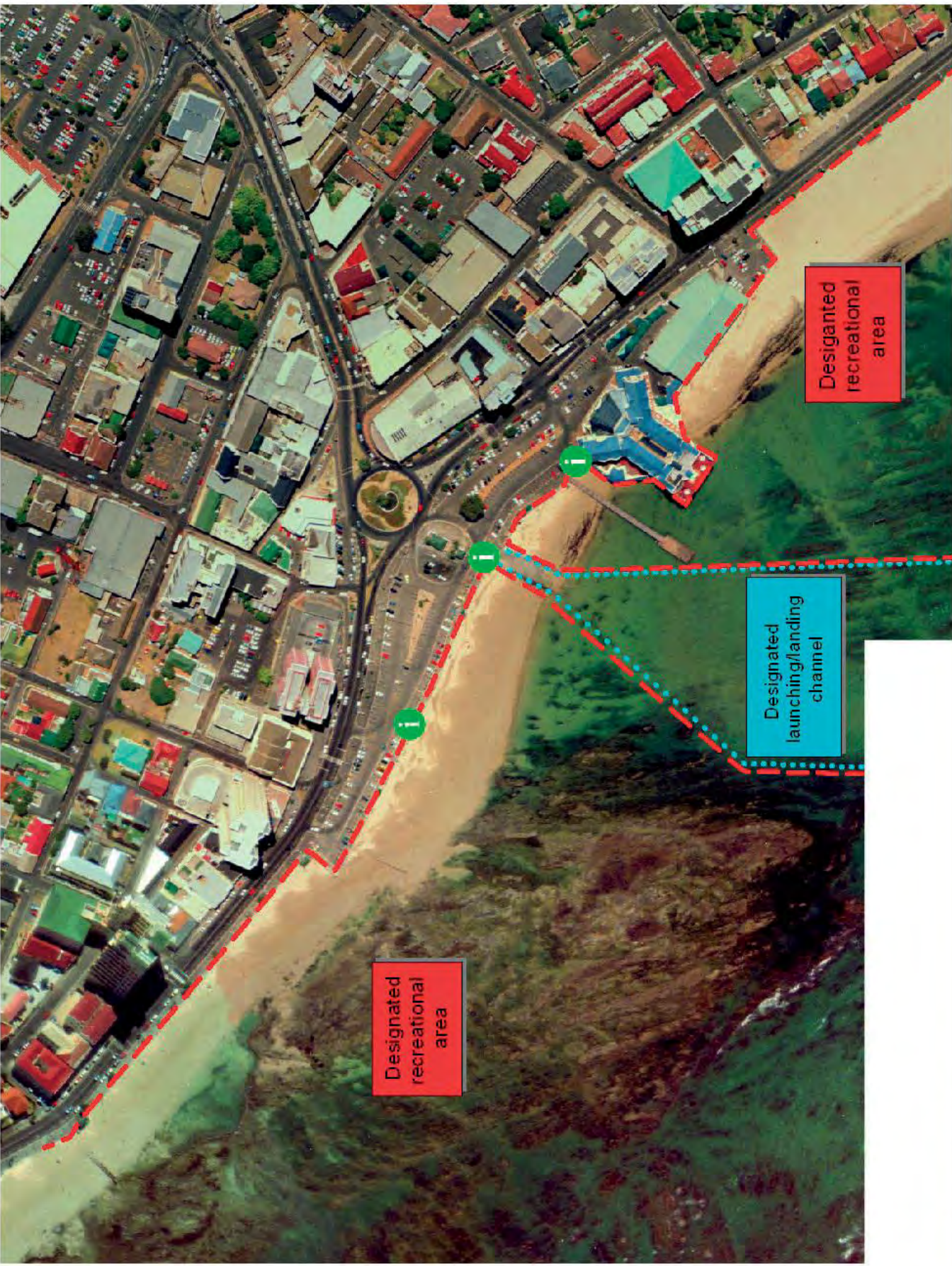


Concrete slipway	★
Entry route	→
Exit route	→

Parking area	▭
Fish cleaning area	▭
Ablution facilities	▭

Map 1 - Launching, Access & Parking Facilities





i Information boards
Recreational
use area
Launch/Landing
channel

Map 2 - Designated 'Use Areas' & positioning of information boards



OPERATIONAL MANAGEMENT PLAN FOR TABLE VIEW

(Opposite Doodles)

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat-launching.

The Control of Vehicles in the Coastal Zone Regulations (“Beach Regulations”) published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Table View launch site. Below please find the proposed Operational Management Plan for Table View.

Based on this generic OMP, the OMP for the Table View Launch Site includes a general description of the launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Table View launch area is a site owned by the City of Cape Town, situated off Marine Drive (M14), Table View.

The boat launching facilities at Table View include the following:

- ❑ A tarred ramp.
- ❑ A 30-bay vehicle parking area.

The Table View slipway is owned and managed by the CoCT. Currently no lease agreement exists for this site. Future reference in this OMP to the Table View slipway refers to the all the associated facilities required for boat launching. Map 1 shows the location of the boat launching facilities at Table View Launch Site.

1.6 Site usage

The site is highly utilised, especially over the holiday season and weekends in the summer months. The usage often exceeds the “carrying capacity” for the parking area, especially during organised events.

The following uses have been recorded at the boat launch site:

- ❑ Currently between 95% of the slipway users are for recreational purposes (rubber ducks and jet skis)
- ❑ Rescue, research and other official users intermittently use the site (NSRI, Metro Rescue, SLSC, etc.).
- ❑ The site is popular for rubber ducks/semi-rigids and jet-ski events and races.

Currently there is no controlled access and no accurate user counts exist for the site. It is estimated that approximately 520 jet skis and boats are launched from this site per annum. The users and associated levels of usage are seasonal and weather dependent.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is accessed off Marine Drive (M14), Table View. The internal layout of the access to, and traffic flows through, the parking areas and slipways at the site is shown in Map 2. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces at the site). No vehicle is permitted in any sensitive areas (e.g. dune areas) on, or abutting, the site. The shortest route to the water will be used. Vehicles will offload/load and return to the parking area immediately.
- 2.1.3** Vehicles, their trailers and the drivers or operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area, off the beach (shown in Map 1 and 2).
- 2.1.5** Only the designated launch area may be used to launch a boat or jet ski. Erosion of the launch area must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 3. Map 3 further indicates the location for the posting of the safety requirements for the site.

- 2.1.7** A fee is to be charged and a ticket issued to all persons launching from the site, with the exception of Blouberg Surf Lifesaving Club (BSLC), NSRI and Law Enforcement. Key provisions of this OMP and code of conduct are to be described on the ticket (or an attached brochure). A chain/boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year. On payment of the instalment, the user must be made aware of the conditions of the OMP and issued with a key to the chain/boom at the entrance to enable them to access the launching site. The launching site is kept locked when no boats are at sea to avoid unauthorized entry onto the beach by vehicles. The BSLC, NSRI and Law Enforcement will be provided with a key. Only persons who are in possession of a valid permit (and key) may access this launch site.

The boom is to be closed to all users between sunset and sunrise, except in the event of an emergency.

- 2.1.8** The limits on the numbers of boats that may launch from each site will be linked to the availability of parking and other service facilities. A strict limit of 30 vehicles may use the site at any one time. This limit includes boats in the process of being launched or retrieved.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), unsuitable vehicles not be permitted to launch a boat or jet ski at this site.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 5.5 meters and boat engines with a combined engine capacity greater than 200 HP shall not be permitted to launch from the site.
- 2.1.11** Pedestrians may only access the beach along pathways and boardwalks and may not traverse the dunes, vegetation, and bird nesting areas on and adjacent to the site. Access routes through such areas will be clearly defined, supported by appropriate signage, and highly sensitive areas may be closed to pedestrian and/or vehicular traffic.

2.2 Parking management

- 2.2.1** During peak periods or events a limit of 30 vehicle-and-trailers will be accommodated in the designated parking area. Vehicles-and-trailers shall, by agreement of the management authority of the recreational area, be accommodated in the public parking areas.
- 2.2.2** All the parking areas/bays for vehicles-and-trailers will be properly demarcated and vehicle flows clearly indicated.

- 2.2.3** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident. Map 2 shows vehicular access routes, boat launch site and associated parking.

2.3 Boat Launch area

- 2.3.1** Where boat launches use the beach area, every effort shall be made to minimise disturbance to the beach surface during the process of launching and retrieving boats, i.e. only tow vehicles with sufficient capacity may be used - this includes engine capacity, tyre profile, tyre pressure, driver proficiency, etc.
- 2.3.2** The launch area shall not be used as an access to other parts of the beach for boats and vehicles.
- 2.3.3** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch area, the kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users. If kelp build up has reached the extent that mechanical means is necessary, prior authorisation and consent must be granted from the relevant authorities (i.e. City of Cape Town, Community Facilities Dept/Environmental Management Dept).

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times. During busy periods, the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.
- 2.4.2** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises.
- 2.4.3** All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.
- 2.4.4** Where feasible, designated launch positions at launch sites on beaches shall be clearly demarcated. The area demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 4.
- 2.4.5** Boats/Jet skis should not be left unattended on the seashore and beached boats/jet skis shall not remain on the seashore in such a way that it hinders the launching and landings activities of the launch site. All boats and jet skis shall be retrieved by sunset. No parking on the beach is permitted.

- 2.4.6** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.7** A boom or chain gate will to be constructed in front of the slipway, on the parking area side of the slipway, in line with the bollards/fencing. This will enable the licensed operator to control access. The licensed operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the slipway, or any other emergency that will prevent the safe launching or retrieval of boats. If the launch site is to be closed to users, the boom will locked by the operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.8** The launch area will be kept clear of all other users when in use. Signage will be posted, at the slipways informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated launching/ landing areas.
- 2.4.9** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and it's associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa. (Note: boats not exceeding 3m in size are exempt from this regulation).
- 2.5.2** Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.
- 2.5.3** All boats launching from the site are to carry a functional form of communication. (Note: boats not exceeding the one nautical mile limit are not required to have a radio but must at least have flares onboard).

2.6 Jet skis/Personal water craft (PWC)

- 2.6.1** Jet ski wave riding may only take place in areas designated for such activity by the licensed operator of the launch site.
- 2.6.2** No jet ski may be navigated in a dangerous manner or be driven at excessively high speeds within the surf zone of the launching area. No jet ski shall be navigated across the front of, or between any bather in the designated recreational areas.

2.7 Night launching and beaching

- 2.9.1** No night launching may take place from this site, except in the event of an emergency.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 4 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** Except during launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 4). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 1 and 4).

2.9 Special events and functions

- 2.9.1** Prior permission for any special event or function must be obtained from CoCT first.
- 2.9.2** A range of competitive events may be held at the boat launch site. These include Rubber duck/semi-rigid and jet ski competitions. In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during these events (subject to 2.1.8).
- 2.9.3** In order to cater for special events and functions, the licensed operator is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users. During such events the licensed operator is to ensure that the provisions of the OMP are complied with – and the following additional actions/control measures take place:
- Control and management of vehicle flows and parking
 - Control of alcohol consumption, anti-social activities, littering and vandalism
 - Prevention of fish hawking on site
 - Control over the cleaning of boats
 - Control over the disposal of offal
 - Monitoring of, and compliance with, the Marine Living Resources Act
 - Preventing conflicts between different user groups
 - Compliance with minimum safety standards

2.10 Toilet facilities and waste water treatment

- 2.10.1** Currently there are no existing ablution facilities associated with the Blaauwberg Slipway. Additional chemical toilets must be provided on site during an event or functions.
- 2.10.2** No washing of boats or jet skis will be permitted at the launch site or in the parking area.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season, and during special events, the cleaning schedule is to take place at least once a day.
- 2.11.2** Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking areas). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.
- 2.11.3** Refuelling supplies held at the launch sites will be in sealed containers, which are only opened once in place within the boat.
- 2.11.4** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.5** No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the launch site is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** No dry starting of motors may take place within the parking and residential area. Motors may only be started and warmed up on the beach, in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites at the launch site.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM officials of any illegal marine resource use activities occurring on the site. MCM, City Police and Law Enforcement are to be notified of special events and snoek runs to ensure that enforcement staff are available to monitor the consumptive use of marine resources.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board the slipway.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 3 shows the minimum signage requirements.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.

- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and City Law Enforcement Officers will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).
- 2.18.2** Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator or nominated club shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator shall ensure that any club to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP may be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.
- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.

- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

BSLC	Blouberg Surf Lifesaving Club
CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
NSRI	National Sea Rescue Institute
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.

☆ Tarrd slipway
 □ Parking area
 ▨ Launching/Landing area

Map 1 - Launching facilities



Prepared by



for the City of Cape Town





- ★ Tarred Slipway
- Exit route
- Entry route
- Parking area

Map 2 - Entry/Exit Routes & Parking Area





Information
Board

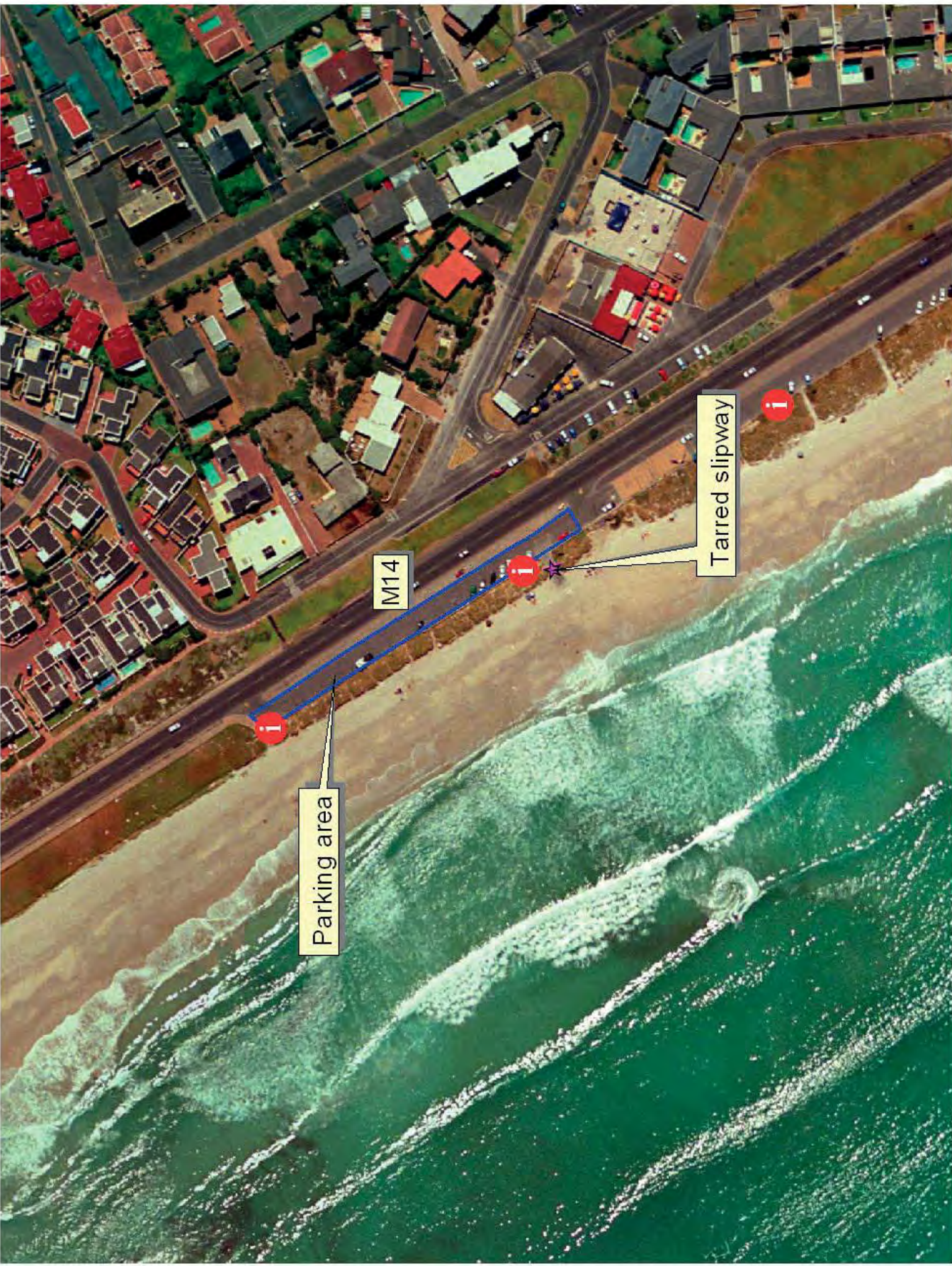
Map 3 - Placement of Information Boards



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Designated
Recreational area

Parking area

M14

Launching/beaching area

Designated jetski
& power boating area

Designated
Recreational area

- ★ Slipway
- Designated jetski & power boating area
- Launching/Beaching area

Map 4 - Designated use areas



Prepared by



for the City of Cape Town

OPERATIONAL MANAGEMENT PLAN FOR THREE ANCHOR BAY

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

May 2004



1. BACKGROUND

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat-launching.

The Control of Vehicles in the Coastal Zone Regulations (“Beach Regulations”) published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Three Anchor Bay launch site. Below please find the proposed Operational Management Plan for the Three Anchor Bay launch site.

Based on this generic OMP, the OMP for the Three Anchor Bay includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *“7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with”*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

Three Anchor Bay is owned by the City of Cape Town, situated off Beach Road (M6), Sea Point.

The boat launching facilities at Three Anchor Bay include the following:

- ❑ 5 storage garages.
- ❑ Public toilets.
- ❑ A large concrete slipway, entering into Three Anchor Bay.
- ❑ A 73-bay demarcated vehicle-parking area.

Map 1 shows the location of the boat launching facilities at the Three Anchor Bay. Currently the CoCT is responsible for managing the launching of all boats from the launching site, for ensuring the facility is open to public use and for the ongoing maintenance and development of the facilities.

1.6 Site usage

As the boat launch site is one of the few launching facilities on the western coast of the Peninsula, to which the public has unrestricted access, it has assumed a significant role for many users.

The following uses have been recorded at the boat launch site:

- ❑ Currently the majority of users are recreational users (e.g. kayaking, paddle skiing and recreational boating). The intensity of users increases during weekends and holidays.
- ❑ Recreational, commercial and charter divers occasionally utilise the site.
- ❑ There are a growing number of kayak and canoe racing events.
- ❑ Occasionally filming takes place on site.

No accurate user accounts exist for the site, but it is estimated that approximately 1080 boats launch per annum, with an average of 2 to 3 boats launched per day. The users and associated levels of usage are seasonal and weather dependent.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** Access to the site is gained off Beach Road (M6), Three Anchor Bay. The layout of the access to the parking area and launch site is shown in Map 1. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes. The flow of vehicles wishing to launch a boat, will follow a clockwise one-way system. It must make allowance for all movements between parking areas.
- 2.1.2** Vehicles may only park in the designated parking areas (see Map 1).
- 2.1.3** Vehicles, their trailers and the drivers or operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area (shown in Map 1).
- 2.1.5** Only the designated launch area may be used to launch boats. Erosion of the launch area must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 2. Map 2 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged for the use of the slipways. Key provisions of this OMP are, within the space constraints, to be described on the ticket. A boom is to be placed across the access route at the slipway. Only persons who are in possession of a valid permit (and key) may access this slipway.
- The boom is to be closed between sunset and sunrise, unless by special arrangement for night launches.
- 2.1.8** The limits on the numbers of boats that may launch from the site will be linked to the availability of parking and other service facilities. A strict limit of 36 vehicles-and-trailers may use the site at any one time. This allows for 50% of the parking area to be utilised for vehicle-and-trailer parking.

This limit includes boats in the process of being launched or retrieved and vehicles-and-trailers parked in the designated parking areas.

2.1.9 Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1600cc engine capacity shall not be permitted to launch a boat at the site.

2.1.10 Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 5.5 meters and boat engines with greater than a combined 200 HP engine capacity, shall not be permitted to launch from the site.

2.2 Parking management

2.2.1 A limit of 36 vehicles-and-trailers will be allowed in the designated parking area at the launch site.

2.2.2 All the parking areas/bays for vehicles-and-trailers will be properly demarcated and vehicle flows clearly indicated.

2.2.3 Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user, visitor or resident, nor interfere with reasonable use of that beach by any user, visitor or resident.

2.3 Boat Launch area

2.3.1 Kelp washed up onto the launch site may be removed from the area.

2.3.2 The methods for cleaning the slipway include:

- Manual brushing of the surface
- Mechanical brushing of the surface

2.4 Launching and beaching control and safety

2.4.1 The boat launch operator must be in control of all launches and boat retrievals at all times. During busy periods the operator must ensure that a dedicated staff member is provided to direct the launches and retrievals.

2.4.2 No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises.

2.4.3 All SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained on site. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.

- 2.4.4** Boats and vehicles may not be left unattended on the beach and boats shall be retrieved from the beach within 10 minutes of arrival. No parking on the or access roads to the beach is permitted.
- 2.4.5** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.6** The boat launch operator shall temporarily close the launch site under exceptional circumstances such as extremely inclement weather conditions, damage to the launching area, or any other emergency that will prevent the safe launching or retrieval of boats from the beach. If the launch site is to be closed to users, the boom will be locked by the boat launch operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.7** The launch area will be kept clear of all other users when in use. Signage will be posted, at the slipway informing other users (e.g. swimmers, kayaks) to remain outside of the demarcated launching/landing areas.
- 2.4.8** The boat launch operator shall ensure that only persons who are suitably licensed (e.g. relevant code driving license) shall operate vehicles for launching or retrieval on the site.
- 2.4.9** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and it's associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.
- 2.5.3** All boats launching from the site are to carry a functional form of communication. (i.e. in the case of an emergency the boat can make contact with emergency services and can be contacted by emergency services). Boats not exceeding the one nautical mile limit are not required to have a radio.

2.6 Jet skis/Personal watercraft (PWC)

- 2.6.1** Jet ski wave riding may only take place in areas designated for such activity by the boat launch operator of the launch site.

- 2.6.2** No jet ski may be navigated in a dangerous manner or be driven at excessively high speeds within the surf zone of the launching area. No jet ski shall be navigated across the front of any bather or bathers in the designated recreational areas.

2.7 Night launching and beaching

- 2.7.1** Use of the launch site for night operations is to be strictly controlled by the boat launch operator. Relevant safety and statutory requirements as stipulated by SADSA and SAMSA, must be met and enforced by the boat launch operator. The boat launch operator is to provide controlled access for night boat launches and landings.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 2 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** Except during launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers. Other users are to stay clear of the launch and landing channel (see Map 2). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/landing areas (see Map 2).

2.9 Special events, functions and “fish runs”

- 2.9.1** In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during exceptional cases (e.g. fishing competitions), but should do so with discretion and within the resource limits available.
- 2.9.2** In order to cater for special events and functions, the boat launch operator is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users.

During special events the boat launch operator is to develop and implement a temporary management plan that *inter alia* provides for:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of fish hawking on site

- Control over the cleaning of boats
- Control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Preventing conflicts between different user groups
- Compliance with minimum safety standards
- Provision of temporary toilets

2.10 Toilet facilities and waste water treatment

2.10.1 The existing toilet and ablution facilities, associated with the boat launch site are placed under the parking area, indicated in Map 1. The Boat launch operator shall ensure that all toilet facilities used by persons launching boats from the site are properly maintained and in a clean and hygienic condition at all times. During busy periods toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

2.10.2 No washing of boats will be permitted on the slipway.

2.11 Pollution and litter management

2.11.1 All litter and refuse is to be cleaned from the site by the boat launch operator at least twice a week. In peak season, and during special events the cleaning schedule is to take place at least once a day.

2.11.2 Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season and during special events, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage. The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.

2.11.3 Refuelling supplies held at the launch sites will be in sealed containers, which are only to be opened once in place within the boat.

2.11.4 Spillages of fuel or oil at the launch site are to be avoided. The boat launch operator must keep Spill Sorb (or similar product) on site. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.

2.11.5 No scaling, cleaning of fish or disposal of bait may take place on the site.

2.11.6 No cleaning of boats bodywork is permitted.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the boat launch operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** No dry-starting of engines is allowed at the launch site. Any users not complying with these regulations shall not be permitted to launch. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable noise complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken. This assessment must meet the requirements of the provincial planning and environmental authorities.

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the boat launch operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The boat launch operator will inform MCM and City Law Enforcement Officials of any illegal marine resource use activities occurring on the site. MCM and Municipal Police are to be notified of special events and snoek runs to ensure that enforcement staff are available to monitor the consumptive use of marine resources.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The boat launch operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board at each slipway.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 2 shows the minimum signage requirements.
- 2.17.3** The boat launch operator shall be responsible for monitoring compliance with this OMP.
- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the boat launch operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM and CoCT Officials will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).
- 2.18.2** Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the boat launch operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The boat launch operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
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The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.

Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

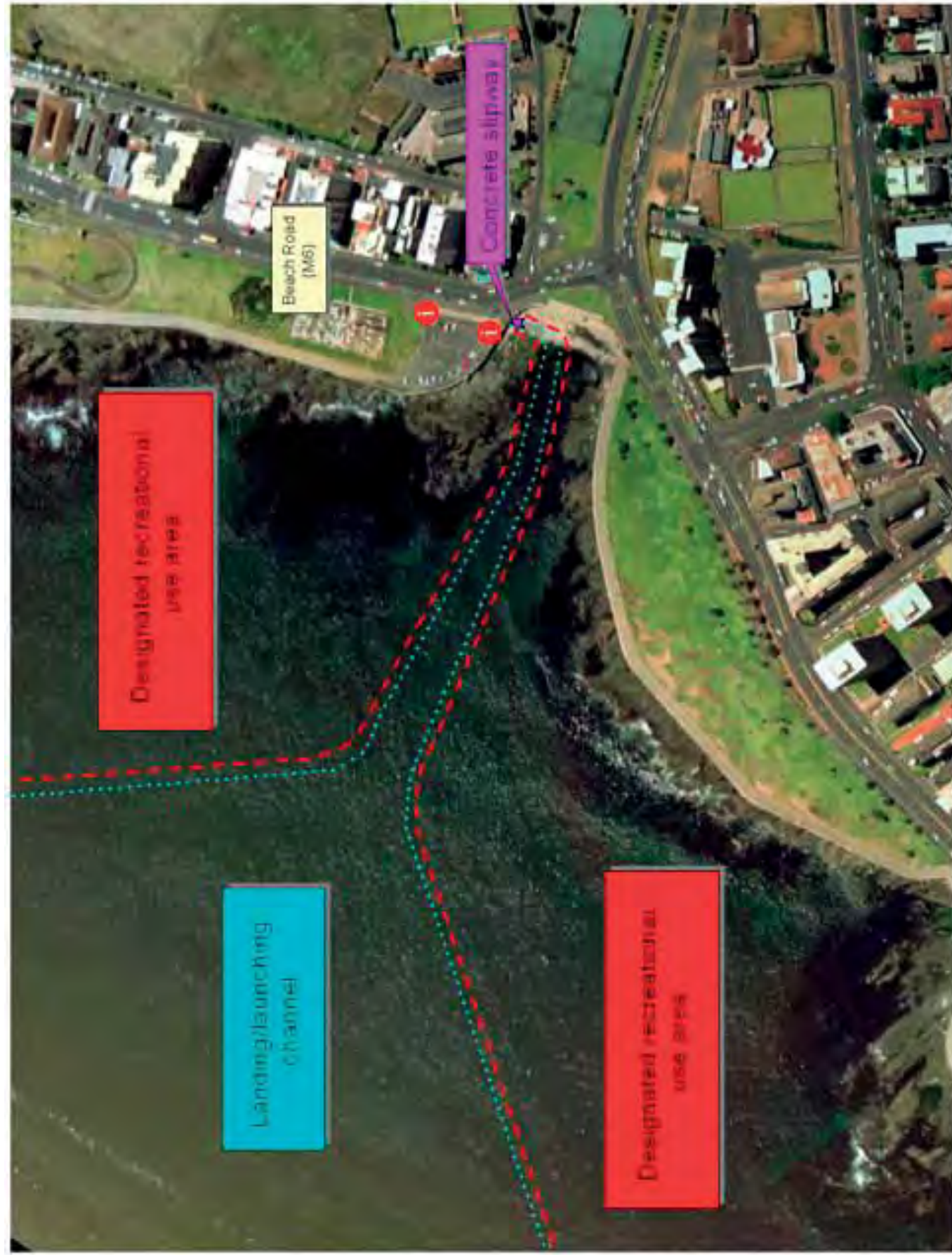
All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.



- Parking area
- Concrete slipway
- Entry routes
- Exit routes

Map 1 - Access, Launching & Parking Facilities





- Recreational areas
- ★ Concrete slipway
- Launching/landing channel
- 1 Information boards

Map 2 - Designated 'Use Areas' & positioning of information boards



OPERATIONAL MANAGEMENT PLAN FOR WITSANDS SLIPWAY

PREPARED BY:
Peninsula Permits cc.
Envirocentric

FOR:
The City of Cape Town

MAY 2004



1. BACKGROUND

1.1 Legal Context

This General Policy for off-road vehicles in the coastal zone was published in Government Notice 858, in Government Gazette No.15655, dated 29 April 1994 and introduced general control measures, on a national basis, to protect the coastal environment from damage caused by the use of vehicles in the coastal zone and to ensure the safety of other beach users. The policy makes provision for zoning the coastal zone, for the protection of ecologically sensitive areas, and for various recreational activities, and also allows for a permit system to facilitate the control of vehicles in specifically demarcated areas. According to the General Policy, the use of vehicles in any beach area may be reserved for specific purposes, such as angling or boat-launching.

The Control of Vehicles in the Coastal Zone Regulations ("Beach Regulations") published under NEMA (Government Notice No. 1399 of 21 December 2001) provide for a general prohibition on the recreational use of vehicles in the coastal zone and procedures for approving the use of vehicles in the coastal zone under specific circumstances. They also provide measures for the enforcement of these regulations and prescribe penalties in respect of contraventions.

The Beach Regulations (Regulation 7) require operators of boat launching sites to apply to the relevant authority to grant a license to use vehicles, or allow their use by third parties, to facilitate boat launching.

An application for a licence must:

- Be made in the format stipulated by the relevant authority.
- Be accompanied by payment or proof of payment of the application fee stipulated by the relevant authority.
- Clearly indicate:
 - The boundaries of the proposed boat-launching site and all access roads.
 - The types of vehicles that will be used at the site.
 - Set out fully the reasons why the boat-launching site is required.
 - Include a plan for managing activities at the site in a manner that avoids or minimises damage to the environment.
 - Subject to Regulation 22, be accompanied by evidence that the requirements of Section 24(7) of the Act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with.

To comply with these regulations, the City of Cape Town (CoCT) has completed the required application form for the licensing of the Witsand launching site. Below please find the proposed Operational Management Plan for the Witsand launching site.

Based on this generic OMP, the OMP for the Witsand Boat Launch Site includes a general description of the boat launch site (including slipways, parking, roads, and other service facilities), a general description of the types of uses of the boat launch site and a detailed description of the activities required to minimise and mitigate the environmental impacts of the use of the boat launch site. The OMP will however only describe the minimum operational management requirements for each site and it is anticipated that each site will, over time, exceed these minimum requirements.

1.2 Environmental Management in the City of Cape Town

The City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) was formally adopted in October 2001. IMEP sets the broad framework and a number of core principles for guiding the City towards a sustainable future. IMEP recognises the economic, social and environmental value of the City's coastal asset, and as such identified the Coast as a priority theme for the development of a detailed implementation strategy. In October 2003, the City formally adopted the Coastal Zone Management Strategy giving effect to the principles of IMEP and setting coastal management practise and standards in place.

1.3 Responsible Authority

All reference to the licensed operator within this OMP refers to the City of Cape Town. The City through a lease agreement, may delegate the authority and responsibility for the management of the boat launch site to any competent club or organisation (see 2.20).

1.4 Function of the OMP

The OMP has been drafted to ensure compliance with the regulations in terms of the national environmental management act, 1998: control of vehicles in the coastal zone, specifically *"7(4)(f) subject to regulation 22, be accompanied by evidence that the requirements of section 24(7) of the act relating to the investigation, assessment and communication of the potential impact of the activities associated with boat-launching at the site have been complied with"*. The function of the OMP is thus to ensure that the licensed operator utilises the boat launching site in an environmentally sensitive manner. The OMP explicitly identifies the mitigating actions required to control the impacts of the boat launch site and associated activities on the bio-physical attributes of the site, the surrounding residents and the safety of the users of the site. The OMP further provides a framework to ensure that all activities occurring within the boat launch site comply with the relevant enabling legislation.

1.5 Site description

The Witsand Boat Launch Site is owned by the City of Cape Town, situated 600m from Lighthouse Road, which is approximately 1.7km from the Main Road (M65), Soetwater.

The boat launching facilities at Witsand include the following:

- ❑ 5 condemned storage garages.
- ❑ One operational storage garage.

- ❑ A concrete slipway/slab.
- ❑ A tarred non-demarcated parking area (large enough to accommodate 50 vehicles-and-trailers).

Map 1 shows the location of the boat launching facilities at the Witsand. The Witsand Boat Launch Site falls within Soetwater (CF 978), but currently no lease agreement exists. The CoCT is responsible for managing the launching of all boats from the launching areas, for ensuring the facility is open to public use and for the ongoing maintenance and development of the facilities.

1.6 Site usage

As the boat launch site is one of the most accessible launching facilities on the western coast of the Peninsula, to which the public has free and unrestricted access, it has assumed a significant role for many users. This site is approximately 4km from Ocean View and 5km from Kommetjie. The peak usage is during the commercial season (i.e. November to June).

The following uses have been recorded at the boat launch site:

- ❑ Most of the users of the slipway are recreational and commercial fishermen.
- ❑ Rescue personal intermittently use the site (NSRI, Metro Rescue etc).

Accurate user counts do not exist for the site. The users and associated levels of usage are seasonal and weather dependent. It is estimated that up to 8400 launches may take place per annum. There have been records of up to 40 boats being launched per day between November to April, and again during the snoek season between June and July, weather permitting.

2. OPERATIONAL MANAGEMENT REQUIREMENTS OF BOAT LAUNCH SITES

2.1 Access management

- 2.1.1** The site is accessed off Lighthouse Road, 1.7km from the Main Road (M65) and some 4km south of Ocean View. The layout of the access to the parking area and launch site is shown in Map 2. The roads and parking areas must be tarred, adequately marked to meet municipal and provincial road standards and free of potholes.
- 2.1.2** All access roads, parking areas and slipways are to be properly bollarded or fenced to ensure that all vehicles remain on the hardened road surface, and only park in designated parking areas. All areas outside the hardened road surfaces are designated no-go areas (see Map 2 for the extent of the hardened road surfaces at the site).
- 2.1.3** Vehicles, their trailers and the drivers or operators using the boat launch site shall comply with the requirements of the Road Traffic Act and the General Policy on Control of Vehicles in the Coastal Zone (Government Gazette, Notice 858 of 29 April 1994).
- 2.1.4** Trailers may be brought onto the seashore by a motor vehicle only for the purposes of launching or retrieving a vessel. Upon launching (or retrieving if appropriate) a vessel, these trailers and vehicles are to be parked in a clearly demarcated parking area (shown in Map 2).
- 2.1.5** Only the designated launch area may be used to launch boats. Erosion of the launch area must be monitored and remedial/rehabilitation action instituted if necessary. Where the remedial/rehabilitation measure constitutes a listed activity in terms of the Environmental Conservation Act, and as directed by the relevant authorities, an Environmental Impact Assessment (EIA) will be implemented for the remedial/rehabilitation action.
- 2.1.6** The minimum signage requirements to facilitate vehicular and pedestrian flows, and for demarcating parking areas, are shown in Map 3. Map 3 further indicates the location for the posting of the safety requirements for the site.
- 2.1.7** A fee is to be charged and a permit issued to all persons launching from the site. Key provisions of this OMP and code of conduct are to be described on the permit (or an attached brochure). A chain/boom is to be placed across the access route of the slipway enabling the licensed operator to control access. Users can pay an annual instalment, entitling them to free access to the launch site for a year. On payment of the instalment, the user must be issued with and be made aware of the conditions of the OMP. They will furthermore be issued with a key to the chain/boom at the entrance to enable them to access the launching site.

The launching site is to be kept locked when no boats are at sea to avoid unauthorized entry. Only persons who are in possession of a valid permit (and key) may make use of this slipway. The boom is to be closed between sunset and sunrise, unless by special arrangement for night launches.

- 2.1.8** A strict limit of 50 vehicles-and-trailers may use the site at any one time. This limit includes boats in the process of being launched or retrieved and vehicles-and-trailers parked in the designated parking area.
- 2.1.9** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics), vehicles under 1400cc engine capacity shall not be permitted to launch a boat at the site.
- 2.1.10** Due to the nature of the boat launch site (facilities, services, parking, access, bio-physical characteristics) boats longer than 6 meters and boat engines with a combined engine capacity greater than 300 HP engine capacity shall not be permitted to launch from the site.
- 2.1.11** Pedestrians traversing through sensitive dunes and bird nesting areas, adjacent to the site, will be managed to minimise environmental impacts. Access routes through such areas will be clearly defined, supported by appropriate signage.

2.2 Parking management

- 2.2.1** A limit of 20 vehicles-and-trailers will be allowed in the designated parking area. During peak periods (November to June), 30 overflow vehicles-and-trailers may park legally along the access roads, provided that they do not hinder or obstruct traffic flows.
- 2.2.2** The parking area for vehicles and vehicles-and-trailers will be properly demarcated and vehicle flows clearly indicated.
- 2.2.3** Launching and parking areas must be separated. Parked vehicles should not obstruct access to the boat launch site by any user or visitor, nor interfere with reasonable use of that beach by any user or visitor.

2.3 Boat Launch area

- 2.3.1** The launch area shall not be used as an access to other parts of the beach by vehicles and trailers.
- 2.3.2** Kelp washed up onto the launch site may not be completely removed from the area. If kelp builds up directly on the launch site, kelp may be spread out manually, along another adjacent section of the coastline that will not impact on other users. If kelp build up has reached the extent that mechanical means is necessary, prior authorisation and consent must be obtained from the relevant authorities.

2.4 Launching and beaching control and safety

- 2.4.1** The licensed operator must be in control of all launches and boat retrievals at all times.
- 2.4.2** Users of the launch site must be made aware of the 5 condemned storage garages, supported by appropriate signage.
- 2.4.3** No alcohol or any other intoxicating substance shall be allowed on the CoCT premises. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on, the premises.
- 2.4.4** All club, SADSA, SAMSA and CoCT safety regulations shall be adhered to at all times. A comprehensive first-aid box capable of handling normal domestic emergencies shall be maintained at the Soetwater ticket office. Weatherproof lists of relevant emergency contact numbers shall be displayed near the launch site.
- 2.4.5** Where feasible, designated launch positions at launch sites on beaches shall be clearly demarcated. The area demarcated for boat launching will be demarcated by adequate signage and positioned as indicated on Map 3.
- 2.4.6** Boats and vehicles may not be left unattended and shall be retrieved from the landing site.
- 2.4.7** Boats in the process of landing or being retrieved shall have priority over boats wishing to launch.
- 2.4.8** The CoCT shall temporarily close the launch site (in consultation with the fisherman and NSRI) under exceptional circumstances such as extremely inclement weather conditions, damage to the launching area, or any other emergency that will prevent the safe launching or retrieval of boats from the beach. If the launch site is to be closed to users, the chain-gate/boom will be locked by the licensed operator and a notice posted to notify users of the reason for closure and anticipated time of re-opening.
- 2.4.9** The launch area will be kept clear of all other users when in use. Signage will be posted, at the slipway informing other users (e.g. surfers, kayaks) to remain outside of the demarcated launching/landing areas.
- 2.4.10** The licensed operator shall ensure that only persons who are suitably licensed (e.g. relevant code driving license) shall operate vehicles for launching or retrieval on the site.
- 2.4.11** The provisions of section 68 of the Merchant Shipping Act No 57 of 1951 and all applicable regulations made under Section 356 of the same act shall be strictly adhered to. No boat will be able to launch from the site unless it is properly marked and registered (or licensed as the case may be) according to the Merchant Shipping Act No 57 of 1951 and its associated regulations.

2.5 Vessel safety

- 2.5.1** No boat will be able to launch unless the skipper is in possession of a valid Certificate of Competency issued by the South African Maritime Safety Authority (SAMSA), an Agency recognised by it or a IRB (Inflatable Rubber Duck) skippers Certificate issued by Lifesaving South Africa.
- 2.5.2** Everyone on the boat in the immediate launch and landing zone must wear life jackets or buoyancy aids.
- 2.5.3** All boats launching from the site are to carry a functional form of communication. (i.e. in the case of an emergency the boat can make contact with emergency services and can be contacted by emergency services).

2.6 Jet skis/Personal watercraft (PWC)

- 2.6.1** Jet ski wave riding may only take place in areas designated for such activity by the licensed operator of the launch site.
- 2.6.2** No jet ski may be navigated in a dangerous manner or be driven at excessively high speeds within the surf zone of the launching area. No jet ski shall be navigated across the front of any bather or bathers in the designated recreational areas.

2.7 Night launching and beaching

- 2.7.1** Use of the launch site for night operations is to be strictly controlled by the boat launch operator. Relevant safety and statutory requirements as stipulated by SADSA and SAMSA, must be met and enforced by the boat launch operator. The boat launch operator is to provide controlled access for night boat launches and landings.

2.8 Managing conflict between different user groups

- 2.8.1** No other users may use the designated launch areas. Map 3 indicates the extent of the launch area and the other adjacent areas designated for recreational use.
- 2.8.2** During launching and landing, boats and jet skis under power in the in-shore area are not to approach within 200m of other users (anglers, divers, swimmers, surfers, body-boarders, or any other non-powered craft). Provided that the skipper is qualified in surf rescue operations (e.g. rescue operations or patrols) this 200m distance is not compulsory. Rescue rubber ducks that are used within 200m of other users must have a propeller guard fitted.
- 2.8.3** Boats may not enter an area set aside specifically for bathers or other water sports and vice versa. It is the skipper's responsibility to keep a proper lookout for bathers and divers.

Other users are to stay clear of the launch and landing channel (see Map 3). Adequate signage is to be posted, informing other users (e.g. swimmers, kayaks) to remain outside of these demarcated launching/ landing areas (see Map 3).

2.9 Special events and peak periods (November to June)

2.9.1 In terms of the Merchant Shipping Act, the relevant authority may grant permission for the total number of allowable launches to be increased during exceptional cases (e.g. fish runs), but should do so with discretion and within the resource limits available.

2.9.2 In order to cater for special events and fish runs, the licensed operator is to ensure that sufficient staff are available to cater for, and mitigate, the impacts resulting from an increase in users.

During the commercial season (November to June), the licensed operator is to aggressively manage and enforce the conditions of the OMP. The following areas will require intensive management during periods of high usage:

- Control and management of vehicle flows and parking
- Control of alcohol consumption, anti-social activities, littering and vandalism
- Prevention of overnighting at the boat launch site
- Prevention of fish hawking on site
- Ensuring control over the cleaning of boats
- Ensuring control over the disposal of offal
- Monitoring of, and compliance with, the Marine Living Resources Act
- Prevention of conflicts between different user groups
- Ensuring compliance with minimum safety standards
- Provision of temporary toilets

2.10 Toilet facilities and waste water treatment

2.10.1 Additional chemical toilets must be provided by the licensed operator and placed as indicated in Map 1 and 2. The Licensed operator shall ensure that all toilet facilities used by persons launching boats from the site are properly maintained and in a clean and hygienic condition at all times. During busy periods (November to June), toilets shall be cleaned and serviced at least twice daily, while during quiet periods toilets shall be cleaned and serviced at least every second day.

2.10.2 Wastewater must be discharged into a recognised drainage system. All wastewater is to be directed into the Municipal Waste Water drains. Where there is no municipal sewer available at the site, an adequately designed and maintained septic tank or any other acceptable wastewater treatment system is to be provided.

2.10.3 No washing of boats will be permitted at the launch site or in the parking area.

2.11 Pollution and litter management

- 2.11.1** All litter and refuse is to be cleaned from the site by the licensed operator at least twice a week. In peak season (November to June), and during special events, the cleaning schedule is to take place at least once a day.
- 2.11.2** Plastic (or any other non-corroding material) refuse bins are to be provided at the site. In peak season, and during special events and crayfish season, the bins are to be emptied daily. Outside peak season, bins are to be cleaned at least twice a week. Refuse bins are to be discreetly placed in areas of high usage (e.g. at the parking area). The bins will be clearly visible and be a short distance from the users. The bins are to be placed in an area where they can be easily serviced.
- 2.11.3** Dustbins at the site are to be “baboon-proofed”.
- 2.11.4** Refuelling supplies held at the launch sites will be in sealed containers, which are only to be opened once in place within the boat.
- 2.11.5** Spillages of fuel or oil at the launch site are to be avoided. The licensed operator will keep Spill Sorb (or similar product) at the Soetwater ticket office. Should a fuel or oil spill take place, the material containing the spill shall be properly disposed of at an approved facility.
- 2.11.6** No scaling, cleaning of fish or disposal of bait may take place on the site.
- 2.11.7** No cleaning of boats bodywork is permitted at the launch site or in the parking area.

2.12 Noise mitigation

- 2.12.1** The licensed operator is to ensure that the premises is operated in accordance with the requirements of the Noise Control Regulations PN 627/1998.
- 2.12.2** Where the licensed operator cannot control rowdy and noisy activity, they are to contact municipal law enforcement officials or the SAPS for assistance.
- 2.12.3** Motors are to be started and warmed up in such a way as not to cause undue nuisance to other beach users, visitors and residents. The licensed operator is responsible for ensuring that management measures are put in place to address reasonable complaints from users, visitors and residents.

2.13 New developments

- 2.13.1** No listed (in terms of Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989) activity may take place within the site, unless approved by the responsible authority after an Environmental Impact Assessment (EIA) has been undertaken.

This assessment must meet the requirements of the provincial planning and environmental authorities and may only take place with permission of the landowner.

- 2.13.2** If there is a need to remove or clear rocks and sand from the launching/landing channel, then Schedule 1 1(e) of the Regulations under section 21 of the Environmental Conservation Act 73 of 1989 is applicable (i.e. an Environmental Impact Assessment will have to be undertaken).

2.14 Helicopters

- 2.14.1** There are no demarcated helicopter-landing sites.

2.15 Archaeological sites

- 2.15.1** Any area of archaeological significance found on the site is to be reported immediately by the licensed operator of the launch site to the South African Heritage Resource Agency (SAHRA) (or its nominated representative) and access to the archaeological site should be prevented, pending appropriate investigation and decision.

2.16 Consumptive use of marine resources

- 2.16.1** All consumptive use of marine resources on the site will be subject to the national regulations (bag limits, closed seasons etc). The licensed operator will inform MCM and SANParks officials of any illegal marine resource use activities occurring on the site. MCM, Municipal Police and SANParks are to be notified of special events to ensure that enforcement staff are available to monitor the consumptive use of marine resources.
- 2.16.2** Fish (or any other marine resources) may not be sold/bartered on the site.

2.17 Communication and compliance

- 2.17.1** The licensed operator shall draw the attention of all users of the site to the key provisions of this OMP by providing an information board at each slipway.
- 2.17.2** Adequate complementary signage must be provided to inform all users and visitors to the site with regards to the conditions of the OMP. Map 3 shows the minimum signage requirements.
- 2.17.3** The licensed operator shall be responsible for monitoring compliance with this OMP.

- 2.17.4** Appropriate records of compliance monitoring and any audit will be maintained and may be used in support of subsequent applications for re-licensing of the site.
- 2.17.5** Any user of the site who disregards the provisions of this OMP shall be reported, by the licensed operator, to the relevant authority that has the legal jurisdiction to impose penalties. MCM, CoCT and SANParks officials will be contacted to monitor and enforce all marine resource use activities. All social and traffic related activities will be enforced by the City Police, Traffic Officials and/or SAPS.
- 2.17.6** Disregard for the provisions of this OMP, may result in the relevant authority's withdrawal of the licence.

2.18 Safety, emergency preparedness and responses

- 2.18.1** The site shall form part of, and conform to, local and regional emergency response plans and procedures (e.g. fire, oil spills).
- 2.18.2** Emergency procedures will take precedence over all activities at the launch site.

2.19 Records

- 2.19.1** Adequate launch records, in the prescribed format, will be maintained by the licensed operator. The minimum information for the boat launch record is to include boat registration, boat name, time of launch, time of landing, number of crew and purpose of trip.
- 2.19.2** The licensed operator shall keep a detailed register of all accidents and casualties involving boats, craft and/or crew (using the prescribed SAMSA form as required by section 259 of the Merchant Shipping Act No 57 of 1951). This register should then be forwarded to the nearest SAMSA office at the end of each month.

2.20 Operators other than the licensed operator

- 2.20.1** The licensed operator may delegate the authority for the management of the boat launch site to any competent club or organisation. The licensed operator shall ensure that any club or institution to which operation of the site may be delegated is properly constituted, has the capacity to observe the conditions of this OMP and re-invests income generated from the site to the effective management of that site.
- 2.20.2** The prescriptions in this OMP shall be incorporated into any lease agreement entered into between the licensed operator and a club or institution to which the management authority is delegated.

- 2.20.3** The club or organisation will ensure that a suitable Code of Conduct is in place, and that its members comply with the conditions of the Code.
- 2.20.4** This club or organisation shall ensure that the site is open to all users, on condition that they comply with the legal requirements of the site. The Club or organisation shall ensure that a transparent, equitable and fair process is followed in determining its membership.

3. ACRONYMS USED IN THIS DOCUMENT

CoCT	City of Cape Town
DEA&DP	Department of Environmental Affairs and Development Planning
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
OMP	Operational Management Plan
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act, Act No. 18 of 1998
NEMA	National Environmental Management Act, Act No. 107 of 1998
PWC	Personal Watercraft
SAHRA	South African Heritage Resources Agency
SAMSA	South African Maritime Safety Authority
SANParks	South African National Parks
SAPS	South African Police Services

4. OVERVIEW OF OTHER LEGISLATION REFERRED TO IN THIS DOCUMENT

Environment Conservation Act (73 of 1989)

The primary objective of the ECA is to provide for the effective protection and controlled utilisation of the environment (Henderson, 1996). The Act makes provision for the declaration of protected natural environments and for the identification of activities that may have a detrimental effect on the environment.

Regulations to control potentially harmful activities on a permit system within demarcated sensitive coastal areas were promulgated in terms of the ECA. The prohibited activities are the disturbance of vegetation, earthworks, dredging and dune stabilisation.

Subsequent to the promulgation of the Act in 1989, a number of key regulations governing EIAs and identified activities that may be detrimental to the environment have also been promulgated. Of importance to proposed developments in the coastal zone are Government Notices R1182, R1183, R1184 and R448 and amendments of May 2002. While beach driving and boat launching are not listed activities in terms of these regulations, proposed developments, such as structures below the high water mark of the sea and certain access infrastructure which may provide for such activities, must undergo environmental impact assessments before environmental authorisation can be granted by DEAT.

The Act was originally passed to provide a basis for environmental conservation in South Africa. Many of its provisions have since been repealed by NEMA. Provision is also made in NEMA for the repeal of sections of Part V and Part VI of the Environmental Conservation Act, which provide for the "Control of Activities which may have a Detrimental Effect on the Environment" and associated EIA regulations. However, these remain in force until they are replaced with new regulations promulgated under NEMA.

National Environmental Management Act (107 of 1998)

NEMA is South Africa's overarching environmental legislation and has, as its primary objective, to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state and to provide for matters connected therewith (Government Gazette, 1998).

The Act provides for the right to an environment that is not harmful to the health and well-being of South African citizens; the equitable distribution of natural resources; sustainable development; environmental protection and the formulation of environmental management frameworks (Government Gazette, 1998). These principles and provisions in Chapter 5 (Integrated Environmental Management) govern the way in which environmental management should be practiced. Provision is also made for the issuing of various Regulations in order to carry out the purposes and the provisions of NEMA.

Marine Living Resources Act (18 of 1998)

This MLRA repeals most of the Sea Fishery Act (12 of 1988). Its preamble reads as follows:

“To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa; and to provide for matters connected therewith.”

The Act and Regulations published thereunder provide for the conservation of South Africa's marine ecosystems and the sustainable utilisation of marine living resources. This includes the protection of every species of sea animal, whether vertebrate or invertebrate, including the spawn or larvae of such sea animal, but excluding any seal or sea bird. Fish and marine organisms were protected by means of prohibitions against their catching, disturbance or possession. There is an emphasis on the broadening of fair and equitable access to resources, the gradual transformation of fishing methods, the development of fees for utilisation and a favourable business environment in fisheries. The Act provides for a principle of national control and co-ordination and places responsibility for resource-allocation decisions with the Minister: Environmental Affairs and Tourism. The Act makes provision for the granting of commercial, recreational and subsistence fishing rights.

The Minister may establish areas or zones where subsistence fishers may fish and, after consultation, may declare a specified community to be a fishing community, any person to be a subsistence fisher or any fishing or related activity or the exercise of any other right in that area or zone to be prohibited. No subsistence fishing permit shall be transferable except with the approval of and subject to the conditions determined by the Minister.

Merchant Shipping Act (57 of 1951)

All vessels, of whatever size, that proceed to sea from anywhere in South Africa fall under the Merchant Shipping Act. Small vessels (3 m to < 25 tonnes) are divided into two classes, viz. small vessels used solely for sport and recreation, and all other small vessels, e.g. fishing boats, diving boats and sailing training yachts (i.e. commercial boats).

The Merchant Shipping Act:

- Sets out various categories of vessel, applicable to each class, and their operational limits.
- Makes provision for the inspection of seaworthiness and the competency of skippers.
- Sets out the various safety measures.
- Requires that skippers submit voyage details.

- Makes provision for authorised agencies to exercise or perform powers or duties as required by the Act.

Has certain Regulations namely:

- Government Notice R2799 that applies to ships or small vessels used for sport or recreation.
- Government Notice R1044 that makes provision for vessels of less than 3 m in length. Vessels falling into this category may not proceed to sea further than 500 m from the low water mark. 7

The Act also has relevance with respect to control of marine pollution and to that extent applies to all ships in South African waters.






Road Traffic Act (29 of 1989)

This Act outlines the various requirements and Regulations for vehicles and drivers. In terms of the Act, if a vehicle is able to gain access to, and be driven on, the seashore, this Act and its Regulations are deemed to apply.

There are a number of High Court cases which have established the breadth of application of the definition of a road and, although no cases involving the Admiralty Reserve or that part of the beach between the high and low water marks are known of, the Provincial Road Traffic Inspectorate is certain that the Act applies.

In this, it is important to note that a person does not have to have a right of vehicular access to the beach: right of access by the person is sufficient. The responsible erection of booms, etc., in providing and simultaneously limiting vehicular access to the beach, will thus not affect the applicability of this legislation to what can generally be described as “the beach”.

All vehicles (powered vehicles and trailers) using the beach must be roadworthy and licensed, and be driven by persons who themselves are licensed drivers of that category of vehicle. The body that controls vehicular access to the beach must know that the provisions of this Act apply. This Act has been replaced by the new National Road Traffic Act (93 of 1996). However, the 1996 Act provides that any relevant provision of the 1989 Act will remain in force until such time as the corresponding provision of the 1996 Act has been put into operation.

-  Crayfish factory
-  Concrete slipway
-  Ablution facilities
-  Garages
-  Gates

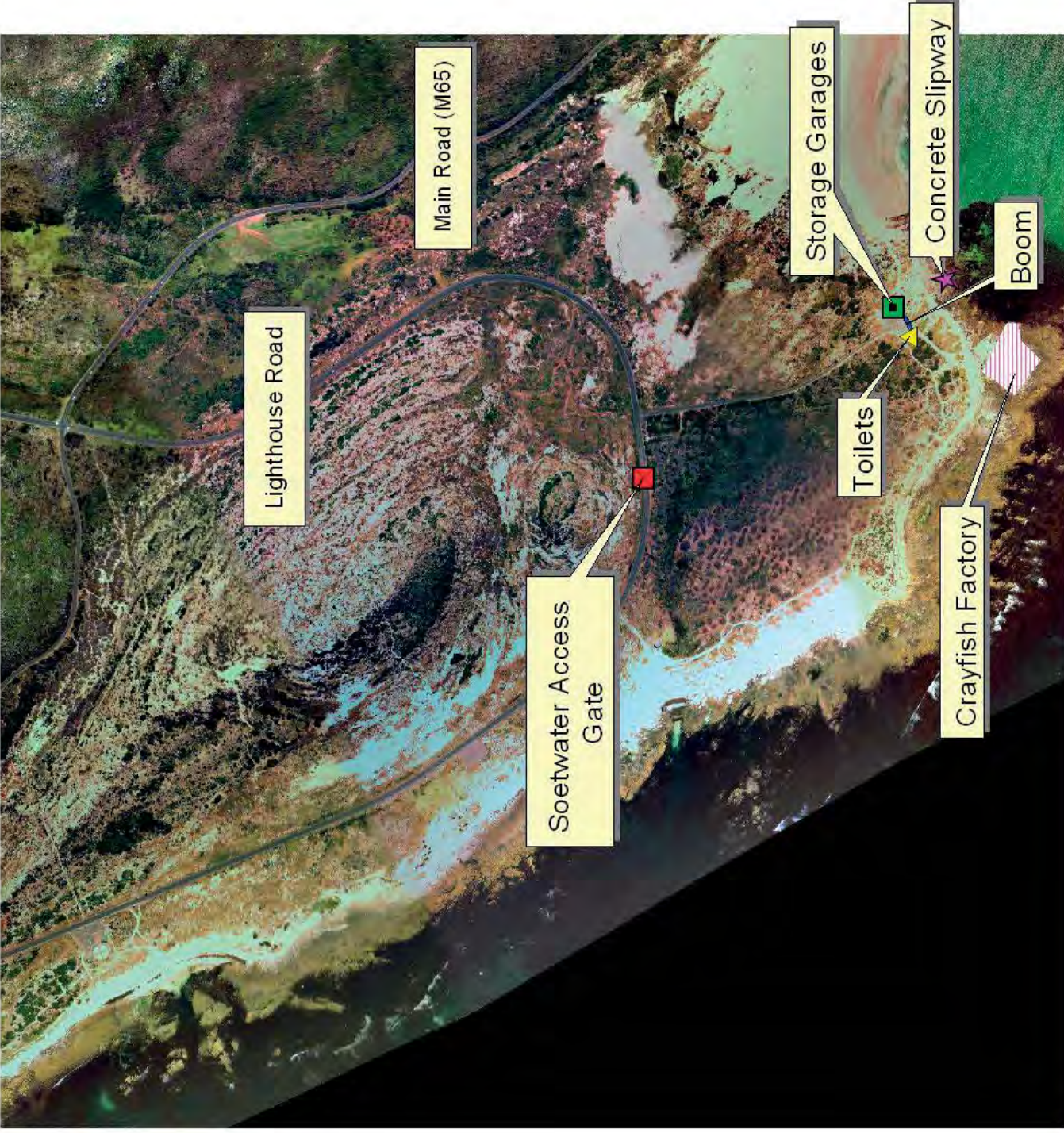
Map 1 - Location of boat launching facilities at Witsand

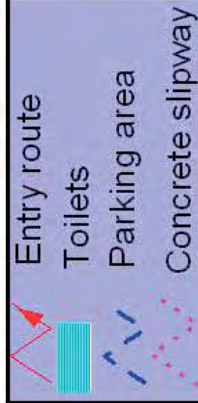
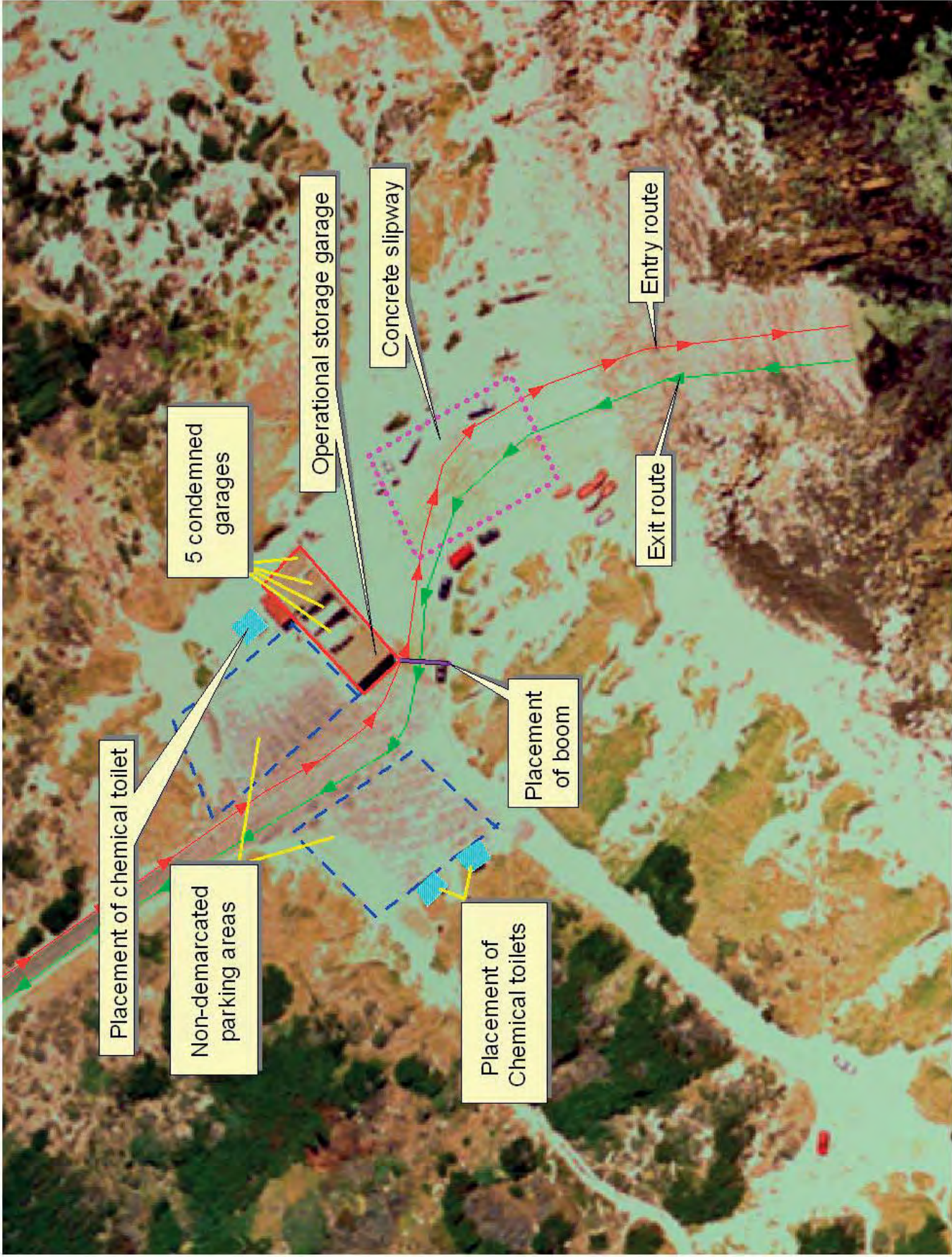


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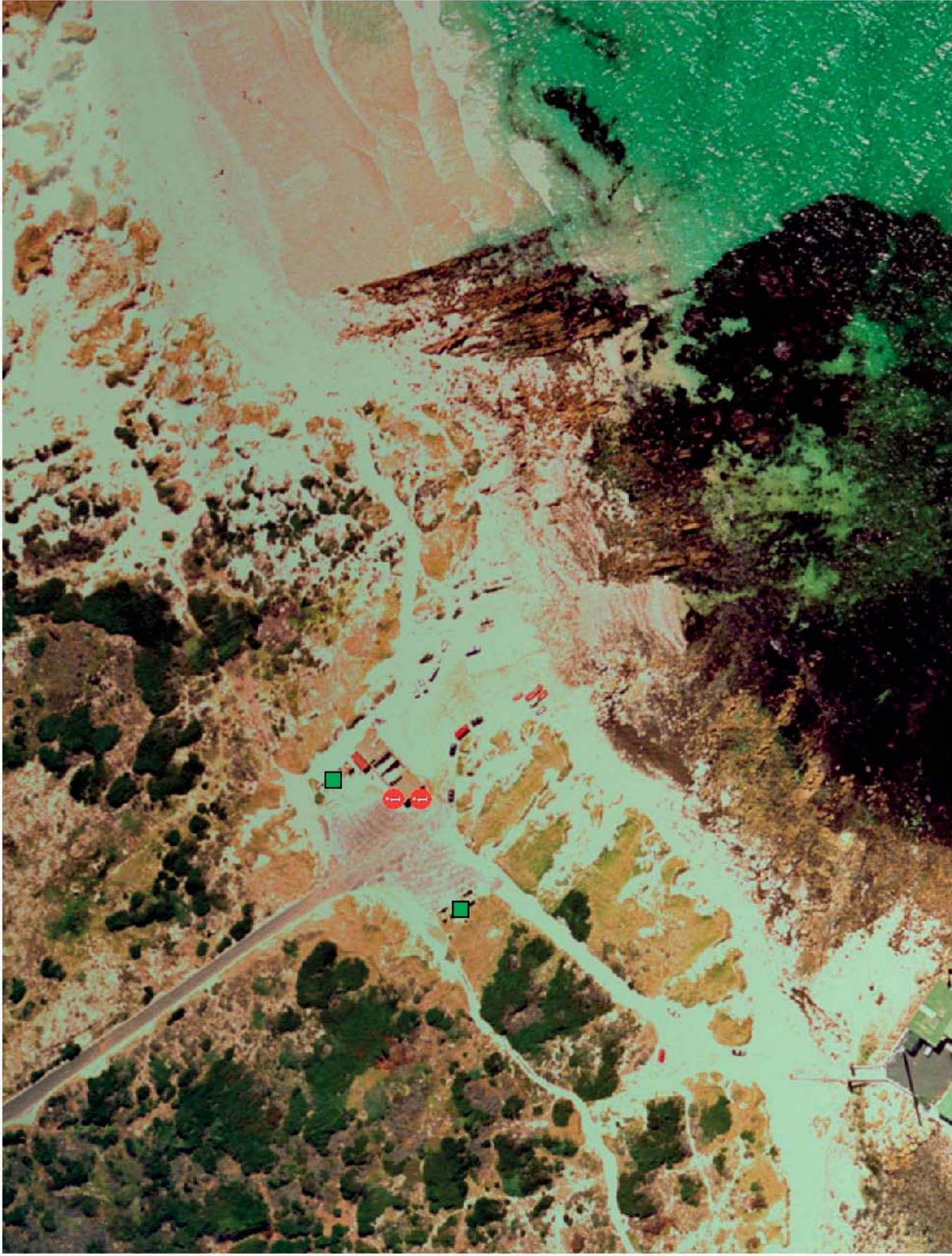
Map 2 - Launching facilities & Entry/Exit Routes




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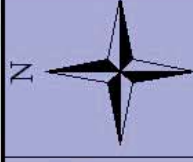
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 Dustbins

 Information

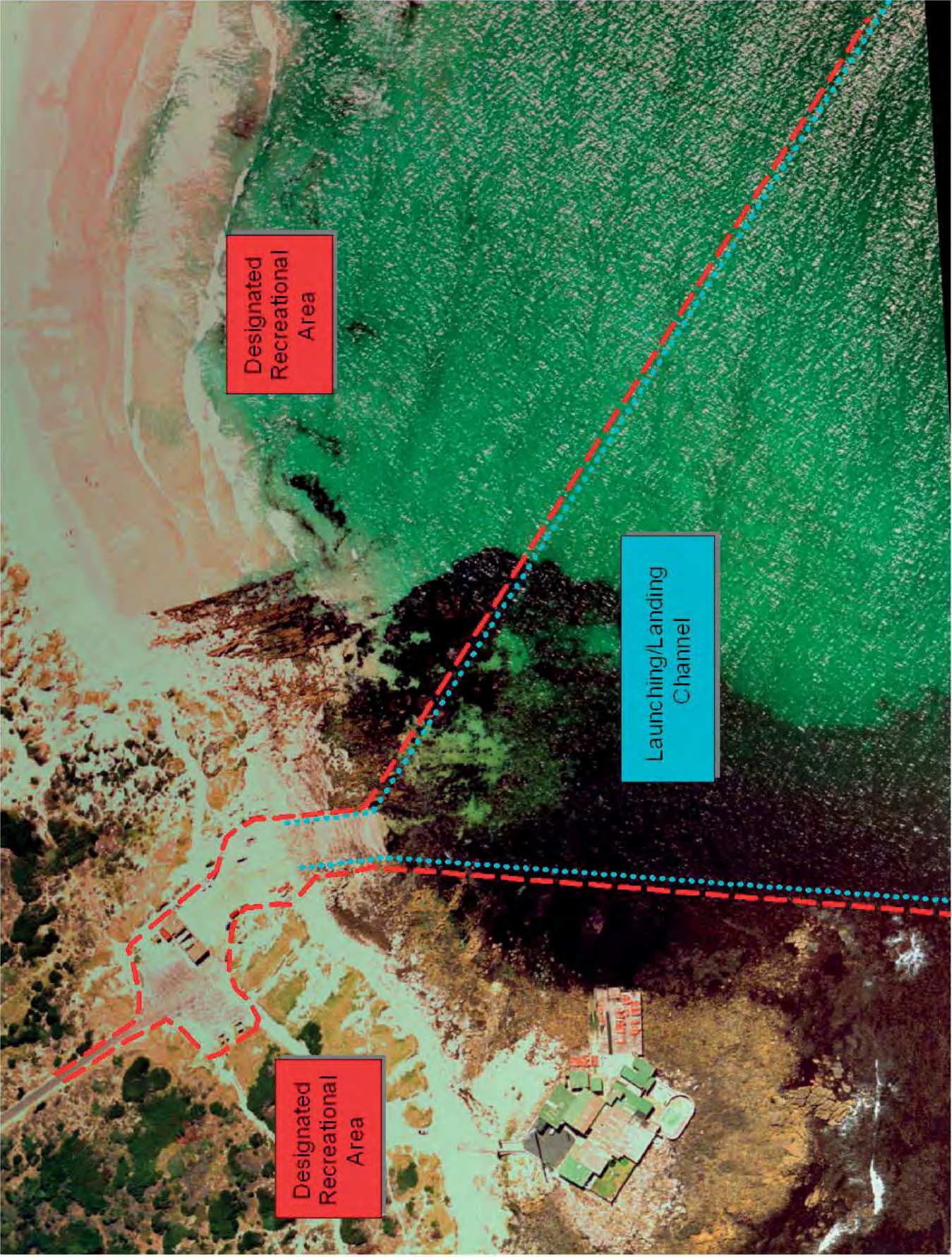
Map 3 - Positioning of information boards and dustbins



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Recreational area.

Launching channel

Map 4 - Designated 'Use Areas'

