



## environment & tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

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**Mr Pierre du Plessis (Chairperson)**  
TOW SURF SOUTH AFRICA  
P.O. BOX 48240,  
KOMMETJIE,  
CAPE TOWN

Dear Sir

**EXEMPTION IN TERMS OF SECTION 81 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998) TO TOW SURF SOUTH AFRICA (TSSA) FOR THE USE OF PERSONAL WATERCRAFT (PWCs OR "JETSKIS") WITHIN THE TABLE MOUNTAIN NATIONAL PARK MARINE PROTECTED AREA AS REGULATED UNDER SECTION 43 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT 18 OF 1998) AND GOVERNMENT GAZETTE NUMBER 26431**

I, the undersigned, Deputy Director-General: Marine and Coastal Management, Department of Environmental Affairs and Tourism ('DDG'), acting in pursuance of the delegated authority conferred upon me by the Honourable Minister of Environmental Affairs and Tourism, as contemplated in terms of Section 79 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act") hereby grant, in terms of Sections 81 of the Act, the following exemption, with immediate effect, to **Tow Surf South Africa (TSSA) under the Chairmanship of Mr Pierre du Plessis (ID NUMBER: 7006185274081) for the use of fifteen (15) jetskis within designated areas in the Table Mountain National Park Marine Protected Area (TMNP MPA).**

The exemption is issued subject to the following conditions:

- 1.1 This exemption is for fifteen (15) craft in total for each of the following areas: around the points Sunset reef (10 craft) (34°07.4S 18°19.6E), Outer Boneyards (10 craft) (34°10'S 18°21E), Dungeons (15 craft) (34°03.7S 18°19.4E) including Tafelberg Reef, within the Table Mountain National Park Marine Protected Area.
- 1.2 The TSSA and its members must coordinate their activities to ensure that the specified numbers of craft in condition 1.1 is adhered to for the specific areas and at no time in a day should there be more than 15 craft in the water.
- 1.3 Jetskis using Dungeons, Sunset and Outer Boneyards shall launch from Kommetjie and

Hout Bay only. Jetskis are allowed to travel between surf sites provided a surfboard is carried at all times when travelling between sites.

- 1.4 Jetskis are to travel at 40-60% maximum speed capacity when moving to and between surf locations. Jetskis are to travel in a direct line from launch site to surf locations, but after having gone sufficiently far offshore to avoid paddle-in surfers at Long Beach if applicable. If paddle-in surfers are present, jetskis should always proceed around them at a safe distance.
- 1.5 No use of jetski for towing-in surfing is allowed if paddle-in surfers are present in the water. Paddle-in surfers take precedent over tow-in surfing at all times. In such instances jetskis may perform safety functions only. Tow-in surfers should wait for all paddle-in surfers to finish first.
- 1.6 Jetski usage in terms of this exemption may only be made for non-commercial recreational purposes (apart from photography as noted) and may include the following activities at the above designated sites.
  - Acting as safety for paddle-in and tow-in surfing
  - Safety training
  - Tow-in surfing
  - Surf photography for big wave surfing, with other authorisation and appropriate fees as required if done for commercial purposes
- 1.7 TSSA shall keep a log of its members' activities in the TMNP MPA and provide monthly copies to TMNP and MCM. This must also be made available to interested parties requesting this information on a quarterly basis. The log will include all relevant information (persons, jetskis, dates, times and additional relevant information).
- 1.8 Any person using this exemption shall inform Table Mountain National Park-Marine Section (021 786 5656) at least 2 hours prior to any event that may require the usage of a jetski in TMNP MPA, and regarding any alteration to notification (e.g. cancellations).
- 1.9 The TMNP should be contacted (021 786 5656) to report on any jet ski transgressions to assist in proper management of the Park and a record should be kept of such calls.
- 1.10 TSSA will provide a Constitution of its structure and membership to the TMNP. Any change to the Constitution needs to be communicated to SANParks and MCM. The Constitution will ensure that membership is open to all who meet the relevant jetski safety requirements and competency and the Constitution will detail requirements and competency for TSSA membership. The Constitution shall detail mechanisms for censorship of members who act outside of the MPA laws and regulations, and the conditions of this exemption. These shall form part of the overall regulatory framework.
- 1.11 The exemption granted to the applicant may not be transferred or assigned to any other institute or organisation.

- 1.12 The TSSA shall remain a "Not-for-profit" organisation.
- 1.13 The exemption is for all TSSA members who comply and meet the safety and competency requirements and are therefore listed on the Tow Surf South Africa Big Wave Register. TSSA will ensure that a current up-to-date Big Wave Register is placed with the Table Mountain National Park-Marine Section at all times (phone and fax numbers of 021-7865656 and 021-7864507 respectively).
- 1.14 Any person using a jetski, licensed or unlicensed in terms of the TSSA's Big Wave register, found outside of the designated areas or not on the direct authorised route to the designated areas will be considered in contravention of the exemption and Government Gazette No.26431 (unless in possession of other valid authorisation). Such persons will be subject to a fine in the first instance (in 2008); and confiscation of the jetski as well as being removed from the TSSA register for 2008 after a second offence.
- 1.15 This exemption does not allow for the use of a vehicle in the coastal zone.
- 1.16 The applicants must carry this exemption (or a certified copy of it) at all times when using a jetski within the TMNP MPA and produce it at the request of any authorized law enforcement officer.
- 1.17 The 2008 exemption-certificate must be on display on the jetski as per Annexure 1 when undertaking activities within the MPA and a copy of the 2008 exemption should be available in the jetski's storage compartment for inspection.
- 1.18 All jetskis to remain at least 300 metres from any whales present. If whales are within 300 metres of the surf zone, active tow surfing must cease until the animal has moved off. No photography of whales is permitted at any time from jetskis in terms of this exemption.
- 1.19 Jetski users to report any unusual activity noted within the MPA to the TMNP-Marine section.
- 1.20 All jetskis to remain at least 300 metres from the shoreline. Exemption from this regulation is permitted for safety and rescue operations or for providing assistance to vessels or individuals in distress.
- 1.21 Relevant slipway operators will be informed of the regulations and registered members. TSSA members shall display their personal copy of this exemption and their jetski must display their own registered number as per Annexure 1 and SAMSA registration before being allowed to launch in all sea conditions.
- 1.22 Failure to adhere to any one or more of these conditions, including any reasonable instruction, request or condition that may be issued by any authorized officer, may result in either the issuing of a penalty or the suspension or cancellation of this exemption or other measures (for e.g. 1.13).

1.23 Trailers must be easily identified and must display the TSSA certificate number, contact details and SAMSA certificate number.

## 2. GENERAL

2.1 In the event of the applicant breaching any of the above terms and conditions, the Minister or his delegate shall be entitled to give notice to the applicant suspending or cancelling this exemption.

2.2 In the event that the exemption is suspended or cancelled, the applicant and all registered users may not undertake any jet-ski usage activity within the respective MPA where such exemption is suspended or cancelled.

2.3 If the applicant should change its address, it must give written notice of such change to the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7th Floor, Foretrust Building, Foreshore, Cape Town, 8001 (Attention: Deputy Director: Marine Protected Area and Estuary Management). Failing such notice, the address of the applicant mentioned above will remain valid for purposes of any notices.

2.4 This exemption is granted on the assumption and condition that all material information furnished by the applicant to the Minister or his delegate in connection with the granting of this exemption is complete, true and correct in all material respects.

2.5 Random verification checks may be undertaken to ensure that information provided by the applicant to the Department is complete, true and correct. If this is found not to be the case, the exemption may be cancelled.

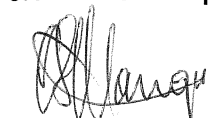
2.6 This notice sets out the entire basis for the exemption and takes the place of any earlier exemption notices, discussions or understandings that may have existed.

2.7 No amendment of or addition to this notice shall be valid unless it is in writing and signed by the Minister or his delegate.

2.8 No indulgence or leniency shown by the Minister or his delegate towards the applicant will in any way affect the rights and powers of the Minister or his delegate or the obligations of the applicant as set out in this exemption.

## 3. EXEMPTION VALIDITY PERIOD

3.1 This exemption is valid from the date of issue until 28 February 2009.



**DEPUTY DIRECTOR GENERAL: MARINE AND COASTAL MANAGEMENT**

**DATE:** 03/03/08



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THE EXEMPTION IS ISSUED FOR TOW SURF SOUTH AFRICA FOR THE USE OF JETSKIS IN THE TABLE MOUNTAIN MARINE PROTECTED AREA FROM THE DATE OF ISSUE UNTIL 28 FEBRUARY 2009 IN TERMS OF THE MARINE LIVING RESOURCES ACT, ACT 18 OF 1998 AND IS SUBJECT TO THE CONDITIONS ASSOCIATED TO THIS EXEMPTION. TOW SURF SOUTH AFRICA IS ALLOWED THE USE OF JETSKIS AT SUNSET REEF, DUNGEONS AND OUTE BONEYARDS (INCLUDING TAFELBERG REEF) ONLY. THESE CONDITIONS ARE SPECIFIED IN THE LETTER GRANTING APPROVAL FOR THIS EXEMPTION. THE EXEMPTION-HOLDER MUST PROVIDE THIS LETTER TO ANY ENFORCEMENT OFFICER WHO REQUESTS IT.

REPORT IRRESPONSIBLE JET SKI USE TO TABLE MOUNTAIN NATIONAL PARK (021 – 7865656)



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