

# Legislation on the Use of 4X4 Recreational Vehicles on Beaches and the Effect on Tourism in the North Coastal Areas

Tourism KwaZulu-Natal Occasional Paper No. 20  
June 2004

## 1. Introduction

The management of Tourism KwaZulu-Natal have decided to issue occasional papers to the tourism trade on the core findings of its research and other projects. The purpose of these papers is to stimulate more debate regarding the findings or progress of such projects as well as to ensure wider awareness of key research findings.

The purpose of this paper is to provide an overview of the legislation dealing with the ban on 4X4 vehicles on the beaches of the northern coastal areas of KwaZulu-Natal and on the effects of this ban on the tourism industry in those areas.

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## 2. Background

The legislation pertaining to the restriction of the use of recreational vehicles on South African beaches was published in December 2001 and subsequent amendments were promulgated to the extent that no vehicles at all were allowed in South Africa's coastal zone. Possibilities existed, however, for the granting of licences in certain instances. The initial legislation aimed generally to prohibit the use of vehicles in the coastal zone but:

- Allowed for the use of vehicles in the coastal zone in recreational areas designated by the Director General
- authorized the use of vehicles in the zone in certain non-recreational circumstances and when the prescribed requirements had been complied with
- provided for specific measures to enforce the Regulations and
- prescribed penalties for contraventions.

The regulations outlined the permissible use of vehicles in the coastal zone, the use of vehicles with permits, licences for the use of vehicles at boat launch sites and a variety of exemptions – such as for emergency vehicles, or film makers. Vehicles would be allowed on the coast for the purposes of mining, however, despite the effect on the environment (Section 4).

For exempted vehicles, permits were required but the cost was somewhat prohibitive. The permit required by a tourism business operator to access the beach with a vehicle was, for example, R10 000, for the initial application and was valid for 60 months. A renewal was R1000. The permit to access a boat launch site was also R5000 for 60 months, and a renewal for a fee of R1000.

A further exemption was that of electrical vehicles for the disabled or non-mechanized means of transport for such people. However, electric wheelchairs or carts do not have sufficient motor strength to deal with deep sandy surfaces, and non-mechanized wheel chairs simply cannot gain access across sand. The reality appears to be that disabled members of the general public do not have access to the coastal zone.

Amendments to the legislation were proposed and circulated for comment in 2004. Most notable in these amendments was the proposed *removal* of the sections which allowed for the designation by the Director General of recreational use areas, which in KZN had largely been identified. Initially legislation had allowed for the recognition and designation of certain areas of the coast for recreational use which included the use of vehicles providing that it ... "will not result in significant harm to the environment" nor "will seriously affect any rights of the general public to enjoy the coastal zone". It appears that the removal of these clauses DO affect the rights of the general public to enjoy the coastal zone in many instances.

### **3. Legislation Effects**

The prohibition of recreational vehicle use on beaches has had wide and far-reaching effects including those of unemployment, bankruptcy, increased crime on beaches and adjacent areas and severely decreased profits for tourism-related businesses in coastal areas.

In a high level survey of accommodation in the St Lucia area it was very clear that there has been a major negative impact arising out of the legislation. Accommodation owners reported:

- No or extremely few bookings for the holiday season.
- The owner of two blocks of holiday flats reported only 3 bookings for the entire month.
- Occupancy decreases from before the implementation to the present of over 60% were reported.
- Several reports of businesses going bankrupt through lack of guests/customers were received
- Turnover has been severely affected – in one instance in the month before the ban the monthly turnover was R58 000. In the same month after the ban was effected a year later, the turnover had dropped to R19 000. The business had to close.
- Self-catering businesses have been more severely affected than have B&Bs or hotels as it appears to have been mainly that market which has been hardest hit.
- Stay lengths have also become severely reduced. Prior to the ban tourists stayed for 7-10 days on average. Since the ban, the stay length has been reduced to a weekend or less.
- Because the self-catering accommodation market has been the hardest hit, restaurants, bars and shops selling groceries have also been negatively affected.
- KZN Wildlife visitor statistics further back up the negative effects of the recreational vehicle ban on beaches in the areas of Mapelane, Cape Vidal and Sodwana Bay.
- Job losses in the area have been substantial (an estimate of 20 000 lost jobs was provided but this cannot be verified in the time available).

- Not only formal jobs have been lost, due to bankruptcy, but also the income provided to curio sellers and fruit and vegetable vendors has been lost due to the reduced traffic on the roads in the area.
- Crime has increased significantly as there appears to be no beach surveillance, officially by law enforcement bodies, or unofficially by fishermen
- Fishermen cannot leave their vehicles unattended in parking lots and walk up the beaches as their vehicles are broken into or stolen.
- Articles on attacks on people on the beaches have also been noted in the local press.
- A further measure of concern was expressed at the serious lack of consultation that accompanied the promulgation and passing of this Bill and its proposed amendments. It appears that tourism stakeholders were not consulted.

A monthly survey of top-level tourism stakeholders carried out on a monthly basis by TKZN also noted that the 4X4 beach ban has had a severely negative effect on occupancy rates in the Elephant Coast area. Occupancies have been reduced from just over 54% two years ago, to 9%.

It should be noted that the ban on the use of recreational vehicles on beaches cannot be identified as the sole cause of all of these problems, but it was clear that it has been one of the major causes.

There are thus strong indications that a blanket ban on recreational vehicles along the entire South African coast has had severely negative effects in terms of job losses, income negation, crime increases and the like. There have even been unconfirmed reports that local people are now living on some of the beaches in the north and that turtles are being eaten as a source of food.

It would appear that an easing of the blanket ban is in order so as to reduce the extreme negative effects of the legislation.

The Provincial Coastal Committee (PCC) is a statutory body consisting of representatives in each of the four coastal provinces, and which considers all matters affecting the South African coast. The beach ban on recreational vehicles was a matter for such consideration. In light of the original legislation having an option for the creation of recreational use areas the KwaZulu-Natal sector of the PCC investigated a methodology by which such identification and creation of recreational use areas could be developed.

The KZN PCC was shown a presentation by one of its members who was closely involved in the methodology for the identification of both environmentally sensitive areas and of those areas where recreational vehicles could be used on the beach with very little, if any, negative impact. This was done with the use of GIS to break down the entire KZN coastline into 100m by 100m squares, and including more squares touching all those squares which touched a coastal area.

That done, and using the substantial databases available in the province, all squares which touched environmentally sensitive areas (and all squares which touched such squares also) were excluded from the coastal map. These included squares on or adjoining estuaries, river mouths, rocky coastal outcrops, urban areas, main bathing beaches, turtle nesting sites, bird nesting sites, penguin rookeries, steep beach areas and the like. What was left was a patchwork of potential recreational use areas. Some of the areas identified for such use were up to 28 kms in extent and were likely to satisfy the rights of the general public to enjoy the coastal zone which ensuring that environmentally sensitive areas were protected.

#### **4. Recommendations**

It is strongly recommend that the recent proposed amendments to the legislation as noted not be accepted. The original Act made provision for the identification of Recreational Use Areas and KZN has gone a long way to providing a methodology for so doing. This methodology has the support of the scientific community and was, in fact, developed by members of that community deeply involved in coastal and marine research. The methodology can be replicated to the other three provinces also.

It is also thus recommended that the study identifying recreational use areas be re-instituted and that these areas be clearly identified, marked, and advertised. If it is clear there is a need for licences to be obtained for the use of vehicles in these areas, or for a limitation to be placed on the numbers of such vehicles, this too needs to be advertised and reasonable licence costs developed.

In this fashion the greatest number of people would have access to one of the province's prime assets, and this access would be available in a sustainable manner. Furthermore, there is a clear need for the creation of jobs in rural coastal areas. Manpower would be needed to enforce the ban on vehicles in non-recreational use areas, as well as to clean beaches in recreational use areas, and to patrol both areas as a crime-reduction measure. The benefits to the tourism industry of providing recreational use areas are clear, just as the benefits to the environment of a ban on vehicle use in sensitive areas is clear. Both can be accommodated. Ignoring either one is short-sighted.

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***Please forward any comments regarding this paper to:***

***Karen Kohler***  
***Research Manager TIS***  
***[kkohler@iafrica.com](mailto:kkohler@iafrica.com)***  
***Fax : (031) 301 1763***