**RULES AND REGULATIONS PERTAINING TO FILMING,PHOTOGRAPHY AND EVENTS FOR LOCATIONS IN TMNP**

**INTRODUCTION**

**SANParks Reserves the right to not approve a permit for any event, activity or filming or photography if such event/ activity is detrimental to either the environment, facilities other visitors to SANParks or to the Organization itself.**

**LEGISLATIVE BACKGROUND**

The use of SANParks locations are subject to Section 86(1) of the National Environmental Management: Protection Areas Act (Act 57 of 2003) for the duration of a visit in a National Park. A permit must be retained and kept at all times, and produced on request. Failure to comply with permit conditions may result in prosecution or affect the future granting of such permits

**Regulations to consider under the NEM: PAA (57/2003):**

**Reg: 20(1)(a)** Filming and simultaneous transmitting of photographic images by the use of a web cam or other image recording without license, permit or agreement with management authority is unlawful.

**Reg: 20(1)(b)** Conducting a tour without license, permit or agreement with the management authority is unlawful.

**Reg: 20(1)(c)** Conduct any form of competition without license, permit or agreement with the management authority is unlawful.

**Reg: 20(1)(d)** Selling or hiring of goods or the offering of goods for sale or hire without license, permit or agreement with the management authority is unlawful.

**Reg: 20(1)(e)**Provision of, or the offering of goods or the offering of goods for sale or hire without the permission of the management authority is unlawful.

**Reg: 20(1)(h)** Conduct an activity of any kind for the purpose of fund raising, personal gain or making a profit without permission of the management authority is unlawful

**Reg: 20(1)(i)** Undertake any organized or special event, including sporting or cultural events without permission of the management authority is unlawful.

**Reg: 22(b)** Construct or erect any booth, marquee or other structure (exclude gazebo/ umbrella etc for shade) without the permission of the management authority is unlawful

**Reg: 22(c)** Organize or cause to be organized or attend or participate in any public meeting, demonstration or gathering without the permission of the management authority is unlawful.

**Reg: Sect 47(3)** Flying over a National Park at a level less than 2500 feet at it’s highest point without the permission of the management authority is unlawful.

**LIABILITY**

The areas under the control of SANParks are used entirely at own risk and neither SANParks nor its service provider shall be liable for any claims, accidents, injuries or loss, etc. arising from such use.

**PERMIT APPLICATIONS**

All applications triggered by this document are to be submitted to the TMNP Permit office. The following application time frames apply:

Stills 5 working days ( excludes weekends)

Commercials 10 working days ( excludes weekends)

Events Small 0 to 100 = 15 working days ( excludes weekends)

Medium 100 to 300 = 30 working days ( excludes weekends)

Large : over 300 = 6 months ( excludes weekends)

Table Mountain National Park reserves the right to not issue a permit should Management deem the activity to be unsuitable in a National Park, harmful to the environment or other park users or should the event conflict with the Organizations Conservation Principles.

Approved Permits must be submitted to the Relevant Applicant and ECO Co-ordinator no less than 24 hours prior to the production / event. This is to avoid last minute conflict or queries.

Permits should contain all the relevant site rules for that particular location (as an addendum) as well as any special conditions pertaining to the particular shoot or event. The full description of the production/ event, with a list approved equipment and a map showing the specific location of activities or structures must be attached to the Permit. This will reduce any confusion or conflict and indicate clearly what is permitted.

Conditions on the permits may not be re-negotiated after the commencement of the shoot/once the permit holder has already transgressed the conditions of the permit: The decision of the Law Enforcement Officer/EMI at the scene is final based on conditions of the permit

Where EMP documents are required these are to be submitted to the Permit Applications Office and will then be distributed (by the permit office) to the Relevant Section Ranger and Senior Section Ranger for comments. Once comments are received the document will be sent back to the applicant for changes as required, before being reviewed for final approval and issue of the permit.

Any application for an event, which will impact on residents or any City of Cape Town property will require the Applicant to obtain permission for the relevant City of Cape Town Permit office in conjunction with acquiring permission from SANParks to conduct the event. Applicant to be familiar with the relevant City Events Bylaw (Gazette 6630 of 2009) and the Safety at Sports and Recreational Events Act of 2010.

**GENERAL CONDITIONS:**

**HELICOPTERS**

Helicopters will be permitted by special arrangement/ permit only. The production house/Event coordinator is to ensure that the relevant permission for use of the helicopter in an urban area is supplied by Civil Aviation and the relevant Civil Defense/ Disaster Management Organisation.

* The National Park’s airspace is regulated by Section 47 of the Protected Areas Act which stipulates that the National Parks airspace is to a level of 2 500 feet (762m) above the highest point of the Park (1085m).
* An Officer of the Board (relevant SANParks Section Ranger) must accompany all aircraft that fly at a height lower than 2 500 feet (762m) above the highest point in the park.
* Section 47 also applies to World Heritage Sites (WHS).  In terms of the of the proclamation of the Cape Floral Region Protected Areas as a WHS in terms of the World Heritage Convention Act the core and buffer areas of the Peninsula WHS have been declared. The core area comprises the land proclaimed as Table Mountain National Park at the time of the WHS application and the buffer is the remaining land in the CPPNE being private, City, Government and some of our land which was not proclaimed at the time.  The flying height restriction referred to in Section 47 therefore applies to the entire area of the CPPNE.
* Landing is only permitted at specified landing zones (LZ’s) within the Park. In terms of the CDF, helicopter landings are only permitted in the “Low Intensity Leisure “ zones (by permit). The four designated helicopter landing sites are listed as

Newlands,

KJB (for emergencies and game capture only),

Bordjiesrif and

Platboom (for overflow from Bordjiesrif only).

Approach and take-off from designated landing zones must be the safest and most direct route out of SANParks airspace/ restricted zone. Senior Section Rangers to be notified of all landings. No Officer of the Board will be required to accompany the helicopter wrt the above landings, except if the helicopter will be required to fly over the Park lower than the 2500 Foot for purposes other than landing and take off.

* Where entrance tariffs are applicable (e.g Cape Point) normal entrance fees are applicable & must be included with the Permit fee.

**HELICOPTER NO-GO AREAS**

**(i.e no flying lower than 2500ft above the highest point in the Park –**At 1085m (3559ft), **Maclear's Beacon** is the highest point on **Table Mountain) :**

**Simon’s Town Section**

* Over Boulders (the area from Seaforth Beach to Windmill beach as per the attached map) – the endangered African Penguin is susceptible to disturbance from helicopters.
* Over Klawer Valley – Restricted Military Airspace
* Over Millerspoint and Partridge Point Cliffs (Breeding area for Raptors)
* Over Smitswinkelbay Residential Area and tented camp

**Cape of Good Hope Section**

* All accommodation areas (Olifantsbos, Duiker, Eland, Hikers cottages at Da Gama Peak, Standby Quarters, Rondawel at KJB, Perdekloof)
* Game viewing areas (all areas of COGH where game is known to occur)
* Buffelsfontein Visitor Centre
* Restricted residential areas and Bird Breeding areas/ beaches (Olifantsbos Cottage, beach and surrounds, De Mond to Scarborough Fence, Diaz beach during cormorant breeding season,)
* Over any of the Park Offices or Stores.
* Any recently burnt area within the Cape of Good Hope Section, will be deemed no go for a period of three years post burn (unless part of the SANParks annual game census)
* Over Cape Point (Lower Lighthouse there are Cormorant nesting sites at Cape Point, Restaurant, shops, funicular)

**Red Hill Section**

* Over Misty Cliffs / Scarborough – Sensitive breeding area for African Oystercatcher and other bird species, residential area)
* Over Park Accommodation (Kogelfontein and Slangkop Tented Camp)

**Silvermine Section**

Over Noordhoek beach and Noordhoek wetlands (Breeding and sheltering water birds)

* Over Silvermine Dam
* Constantiaberg cliffs (breeding raptors)
* Noordhoek Peak (breeding raptors)
* Steenberg Ridge (breeding raptors)
* Muizenberg and Steenberg Peak area cliff faces to Peck’s Valley (raptor breeding period)
* Over Chapman’s Peak Drive and Chapman’s Peak
* Over KalkBay Mountains
* Over HK Tented Camps
* Over Picnic Sites
* Koeel Bay

**Tokai Section**

* Flight restrictions as per the act apply for the whole of Tokai

**Marine Protected Area**

* Over whales, seals and seabirds
* Marine Protected Area surrounding - permission needed from DAFF - Risha Persad-Govender [Rpersad@deat.gov.za].

**North**

* Table Mountain Aerial Cable Company

**Other**

* Any area determined to be sensitive by the SANParks staff member on board the helicopter at the time of the flight.

**REMOTE CONTROL AIRCRAFT OR DEVICES**

* No such devices will be permitted in the the Park

**PLANTS AND ANIMALS**

**All plants and animals are protected in the National Park (NEM:PAA 57/2003)**

|  |  |
| --- | --- |
| 4(1)(a) | It is illegal to introduce any species or specimen, or part thereof into a National Park |
| 4(1)(c) | It is illegal to disturb any species or specimen |
| 4(1)(d) | It is illegal to feed any species or specimen |
| 4 (1)(e) | It is illegal to use any recording of the sound of a species or specimen or imagery or scent of a species or specimen to attract animals. |
|  |  |
| 4(1)(g) | It is illegal to cut, damage, remove or destroy or be in possession of any plant or part thereof, including dry wood or firewood (not legally obtained fire wood ie: purchased ) |

* No plants (or plant materials) or animals will be permitted except by special arrangement. **Please ensure that the request for these items is highlighted during the application process.**
* Such plants or animals must be accompanied by the necessary clearance certificates (e.g. veterinary certificates in the case of animals to ensure that they do not carry any diseases.
* Predatory animals shall not be permitted in areas where indigenous game occurs.
* TOPS listed or other protected species must have the required permits in terms of possession and transport from the relevant government department before they will be considered for permission to access the park.
* CARA listed species (seed, seedling or adult plants) will not be permitted in the Park.
* Species that are potentially carriers of diseases that could impact on the indigenous species (e.g. horse that carry equine diseases that impact on zebras in Cape Point – will not be permitted).
* No damage/disturbance to fauna or flora allowed (eg no birds may be disturbed off their nests, or animals forced to run away).
* Faeces of animals used in the shoot must be removed

**FIRES / SMOKING**

* No fires / smoking will be permitted, unless in dedicated places and by special arrangement.
* Use of open flames or heating equipment for catering purpose (or other purpose) must be listed on the application form.
* During fire season (on red or orange fire days) there may be additional restrictions on the use of cooking, heating, generators etc.
* Smoke machines are not permitted

**Drums**

Drums are not permitted in the park anywhere due to the noise factor

**Conservation Fees ( entrance fees)**

* Where conservation fees are applicable (Cape Point, Boulders, Silvermine, Newlands and Oudekraal) normal conservation fees are applicable for location recce’s filming dates.

**ENVIRONMENTAL CONTROL OFFICERS (ECO’S)**

* ECO’s will accompany all productions including recce’s.
* When an ECO is required by Permit or EMP, The ECO is required to accompany the shoot or event from set-up through the activity/shoot until break down and exit (without exception).
* ECO service provider and ECO to be approved by TMNP
* Permit holders found not complying with ECO requirements will be asked to leave the park immediately. A transgression of the permit conditions may result in black listing
* ECOs not following procedure to ensure compliance may be black listed from working in the Park.
* Any failure to comply with legal instructions from the EMI and obstruction of the EMI in performing his/her duties may result in the ECO, permit holder or both being asked to leave the park and / or immediate blacklisting.
* ECO’s to provide a report after attendance on location and the report to be sent to the Permit office by the service provider

**CATERING**

* Catering will only be permitted as per the permit conditions and the ECO’s instructions.
* Baboon Monitors may be required depending on the site.
* Craft only permitted on certain sites

**VEHICLES AND EQUIPMENT**

* No off road driving permitted
* No vehicles are permitted within the coastal zones, unless they are on proclaimed existing public roads.
* Coastal Zone – is defined as the area from the low water mark to the back of the dunes.
* Specs for Equipment (e.g. Machines, banners, signs, props etc.) & Structures (gazebos should be submitted to the permit office upon application for consideration.
* Permit to specify number of permitted vehicles and parking arrangements.

**ENVIRONMENTAL MANGAMENT PLANS (EMP)**

* Where a production has the potential to impact negatively on the environment, residents or other users of the area, then the Park may require that an EMP is drawn up for production/event.
* This EMP must be submitted for approval to SANParks Permit Office. The Permitting Officer will circulate the EMP to the Relevant Section Ranger and Senior Section Ranger for comment. Once comments are received the document will be sent back to the applicant for changes as required, before being reviewed for final approval and issue of the permit. Approval is not automatic.
* Strict adherence to the approved EMP and permit will be required.
* EMP’s required for all multi-location events.

**ACCESS**

* Film and event crews to remain in designated areas (roads, tracks, footpaths, car parks, viewing points) No walking/activities off footpaths is permitted
* No off road driving will be permitted
* Film and event crews may not block any access gates or roads or tracks
* No filming or events will be allowed at night.
* **Site operational hours must be strictly adhered to**.
* **Some sites have time constraints over and above** the normal daily hours of operation.
* Access may only be granted through approved access points.
* Entry and Exit is through designated access points
* Full Conservation Fees are payable at Pay points. Pre-paid tickets are available at the Tokai Wild Card Office in booklets of x 100. NOTE: My Activity Permits, My Green Card or Wildcards may not be used in lieu of these conservation fees.

**CITY OF CAPE TOWN APPLICATIONS**

**Any application to stage an event must be submitted to the CCT Events Permit Office**

**by the Event Organiser on the prescribed Application Form and adhere to the City’s**

**Events Application requirements. Please consult the relevant documents and note the**

**various minimum timeframes and other requirements.**

**Below some relevant legislation which affects city applications**

Application for a Temporary Liquor License must conform to the Liquor Act, Act 27 of 1989.

Applications can be submitted to the local Designated Police Officer of the South African Police Services within the precinct of jurisdiction.

Application for intermittent/temporary and/or full road closures for the scheduled event to

conform to Section 22 – Processions of the Standard By-Law Relating To Streets [Provincial

Notice No. 562 Of 1987] [Dated: 2 October, 1987. Should signage for no stopping, parking

and other devices be required, these equipment must to be in compliance with the South

African Road Traffic Signs Manual.

In terms of the Regulation of Gatherings Act, Act 205 of 1993 the local authority can at any

time (should such a course be considered necessary or desirable by the City Of Cape Town)

withdraw or amend the permit.

The usage and selling of and cannabis and other banned drug substance is strictly prohibited

in terms of Section 3, 4 and 5 of the Drugs and Drug Trafficking Act, Act 140 of 1992;

In terms of Section 4 of the National Buildings Regulations Act, Act 103 of 1977 it is an

offence for anyone to erect any type of structure without the prior permission of the local

authority, being the City of Cape Town.

The timeous provision of the complete information will support and assist with the processing of the

application, the approval process goes through a the range of City Departments

**ATTENDEE/PARTICIPATION SIZE MINIMUM TIME BEFORE AN EVENT**

**TO SUBMIT AN APPLICATION TO THE CITY \***

Small 50 - 2000 15 working days (3 weeks) \*\*

Medium 2001 – 5000 20 working days (4 weeks)

Large 5001 – 10 000 25 working days (5 Weeks)

Very Large 10 001 – above 60 working days (3 months min –

preferably 6 months)

**Any Event which involves an application for a Liquor Licence. 21 working days**

If an event includes food vendors needing to apply for

licences and Certificates of Acceptability. A minimum of 15 working days

Any event requiring a Noise Exemption A minimum of 15 working days

*NOTE:*

*1. Events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the City may determine whether the impact and risk attached to an event of fewer than 50 persons would require the submission of an application.*

*2. Note this excludes any specific or special application directives which the City may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other City activity.*

*3. These timeframes do not include events applications where a land use planning approval is*

*required i.e. where an event is to be held on land which is not appropriately zoned. In such*

*instances, the time frames for a very large event will apply.*