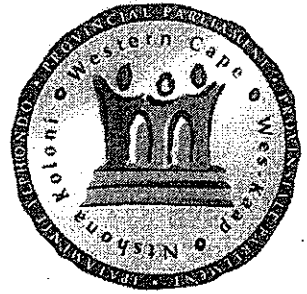


Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente ye Phondo leNtshona Koloni

NEGOTIATING MANDATE



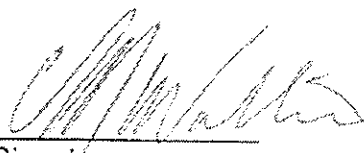
To: Hon AND Qikani  
Chairperson: Select Committee on Land and  
Environmental Affairs

Name of Bill: National Environmental Management: Integrated Coastal  
Management Amendment Bill

Number of Bill: [B 8B – 2013]

Date of deliberation: 12 February 2014

Vote of Legislature: The Standing Committee on Agriculture and  
Environmental Planning begs to report that it confers on  
the Western Cape Permanent Delegate in the NCOP the  
authority to support the Bill with the attached  
amendments.

  
Signature

14-02-2014  
Date

Hon. M Walters  
Chairperson: Standing Committee on Agriculture and Environmental Planning

PARLIAM  
Cap

## COMMITTEE REPORT

**(Negotiating Mandate stage)** Report of the Standing Committee on Agriculture and Environmental Planning on the **National Environmental Management: Integrated Coastal Management Amendment Bill** [B8B–2013] (NCOP), dated 11 February 2014, as follows:

The Standing Committee on Agriculture and Environmental Planning, having considered the subject of the **National Environmental Management: Integrated Coastal Management Amendment Bill** [B8B–2013] (NCOP) referred to the Committee in terms of Standing Rule 220, recommends that the House confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendment:

### Insertion of section 7A in Act 24 of 2008

6. The principal Act is hereby amended by the deletion of Section 7B and Section C and the insertion after section 7A of the following section:

#### **"Reclamation of Land from Coastal Waters**

- 7B.** (1) No person may reclaim land unless authorised by the Minister.
- (2) The Minister may, on application, approve reclamation, and such authorisation may be subject to any conditions or title deed restrictions that the Minister may deem necessary.
- (3) When the Minister considers an application and imposes any condition or restriction referred to in subsection (2), the Minister must consider –
- (a) whether the application has an authorisation in terms of Chapter 5 of the National Environmental Management Act;
  - (b) whether the purpose of the reclamation is for the development of state infrastructure or for purposes other than state infrastructure by an organ of state or for private commercial gain; and
  - (c) whether there is any alternative land available.
- (4) Land reclaimed in terms of subsection 2 forms part of state-owned land which may be alienated in terms of the applicable legislation. This provision shall not apply to land which has been lawfully alienated prior to this provision coming into effect.
- (5) An application for reclamation must record the purpose for which the land is to be reclaimed.
- (6) Unless authorised by the Minister, land reclaimed in terms of subsection (2) may not be utilised other than in accordance with the purpose stated in the original application and conditions of authorisation.
- (7) Before making a decision in terms of this section, the Minister must consult with any organ of state that may be affected by such decision".

#### **"Composition of coastal public property**

7. (1) Coastal public property consists of –

- (a) coastal waters;
  - (b) land submerged by coastal waters including –
    - (i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and
    - (ii) the substrata beneath such land;
  - (c) any natural island within coastal waters;
  - (d) the seashore, including –
    - (i) the seashore of a natural or reclaimed island; and
    - (ii) the seashore of reclaimed land;
  - (e) subject to subsection (2)(f), any admiralty reserve owned by the State;
  - (f) any land owned or controlled by the State declared under section 8 to be coastal public property; or
  - (g) any natural resource on or in any coastal public property of a category mentioned in paragraphs (a) to (f).
- (2) Notwithstanding the provisions of subsection (1), coastal public property does not include –
- (a) any immovable structure, or part of an immovable structure, including harbour installations and infrastructure, whether located on land or the seabed, lawfully constructed by an organ of state;
  - (b) any portion of the seashore below the high-water mark, which was lawfully alienated before the Sea-shore Act, 1935 (Act No. 21 of 1935) took effect, or which was lawfully alienated in terms of that Act, and which has not subsequently been re-incorporated into the seashore;
  - (c) any part of an island that was lawfully alienated before this Act commenced;
  - (d) any portion of a coastal cliff that –
    - (i) was lawfully alienated before this Act took effect; and
    - (ii) is not owned by the State;
  - (e) any land which has been lawfully alienated and which is excluded from State owned land by virtue of section 7A(4) of this Act; or
  - (f) any land or structure located within an admiralty reserve that is subject to a lawful lease from the State.



MC WALTERS

CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE AND  
ENVIRONMENTAL PLANNING

Date: 14-02-2014