

**NEGOTIATING MANDATE OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL
MANAGEMENT BILL [B40B-2007] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *National Environmental Management: Integrated Coastal Management Bill [B40B-2007]* (NCOP), as resolved by the House on 29 May 2008.

The Western Cape Provincial Parliament, having considered the subject of the *National Environmental Management: Integrated Coastal Management Bill [B40B-2007]* (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments:

Clause 1

1. On page 9, in line 41, to omit "zoning" and to substitute "planning"
2. On page 10, after line 30, to insert the following definition "**environmental authorisation**" means an authorisation granted in respect of coastal activities by a competent authority in terms of Chapter 5 of the National Environmental Management Act.
3. On page 10, in line 33, to omit "and".
4. On page 11, in line 3, to omit the definition "environmental authorisation".

Clause 27

1. On page 21, after line 20, to add the following subsections:
"(5) Land excluded from coastal public property forms part of State owned land.

(6) The Minister may on application approve the reclamation of land. Such reclaimed land shall, unless excluded from coastal public property in terms of subsection (5), form part of coastal public property".

Clause 35

1. On page 23, in line 32, to omit "may" and to substitute "must".

Clause 56

1. On page 32, in lines 13, 14, 15, 31, 34, 35, 43, 45, 46, 49, 50, 53, 55, 56 and 58 to omit "zoning" and to substitute "planning".
2. On page 33, in lines 1, 4, 7 and 14 to omit "zoning" and to substitute "planning".

Clause 57

1. On page 33, in lines 16, 19, 21 and 22 to omit "zoning" and to substitute "planning".

Clause 83

1. On page 46, in lines 34 and 41, to omit "zoning" and to substitute "planning".

Clause 89

1. On page 49, in line 27, after "Delegations" to insert "and enforcement".

**S E BYNEVELDT
SPEAKER
29 MAY 2008**

Wes-Kaapse Provinsiale Parlement
 Western Cape Provincial Parliament
 Palamente yePhondo leNtshona Koloni



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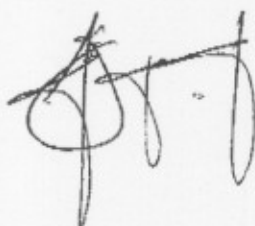
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**S E BYNEVELDT
SPEAKER
29 MAY 2008**



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Date: 2 June 2008

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

NEGOTIATING MANDATE FOR THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT BILL [B40B -2007]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Economic Affairs & Tourism, Hon JT Beukes, tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on **25 March 2008** on the *National Environmental Management: Integrated Coastal Management Bill [B40-2007]*.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *National Environmental Management: Integrated Coastal Management Bill [B40 - 200 7]* to the Portfolio Committee on Economic Affairs and Tourism on **25 March 2008**.
- 2.2 The Portfolio Committee at its meeting on **15 May 2008** received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon RJ Tau, and Dr Malan from the National Department of Economic Affairs, Tourism, Environmental Affairs and Conservation.
- 2.3 The Portfolio Committee resolved at the meeting of **15 May 2008** to hold public hearings on the referred Bill in the coastal regions of Hondeklip Bay and Alexander Bay to solicit the views of the affected beneficiary communities and stakeholders with regard to the *National Environmental Management: Integrated Coastal Management Bill [B40-2007]*.

Two (2) public hearings were held on **22 May 2008** as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.

On **27 May 2008** the Portfolio Committee on Economic Affairs & Tourism deliberated and considered the *National Environmental Management Bill: Integrated Coastal Management Bill [B40 - 2007]*.

3. PUBLIC INPUTS ON THE BILL

HONDEKLIP BAY

- 3.1 What are the functions of the Provincial Coastal Committee with regard to Coast Squatters?
- 3.2 Admiral Zone – poaching, tourists access to the zone, previously disadvantaged people should have access.
- 3.3 There should be notice boards on coastlines to specify public zones.
- 3.4 Bylaws – municipalities must be helped with a framework especially Kamiesburg.
- 3.5 Groenrivier problem – bill must be applied as soon as possible to remove illegal structures.
- 3.6 Voluntary coastal officials – training and capacity needed for younger, previously disadvantaged community members.
- 3.7 Present ownership of coastal property such as fencing – whose responsibility will it be to separate public zones from private property?
- 3.8 What will the impact be on state organs – lines of authority?
- 3.9 Have Marine protected areas been identified?
- 3.10 De Beers supports the bill.
- 3.11 The public supports the bill.

ALEXANDER BAY

- 3.12 The public wanted more time to study the bill before they could make inputs, it was agreed that written inputs would be submitted to the Provincial Legislature by Monday 26 May 2008.
- 3.13 To date no written inputs were received.
- 3.14 The public supported the bill.

4. COMMITTEE COMMENTS ON THE BILL

- 4.1 This legislation should not hamper development opportunities especially for the poor communities on the Northern Cape Coast.

More "green scorpions" should be employed by the department to patrol coastal zones and enforce legislation.


6. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation and taking note of the Public's input, the Portfolio Committee on Economic Affairs & Tourism supports the Bill in principle.

7. ADOPTION OF THE BILL

The Legislature adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Legislature mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the comments and recommendations raised by the Committee as well as comments of the public.



HON. C. SEOPOSENGWE
SPEAKER



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**PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TOURISM**

**NEGOTIATING MANDATE ON NATIONAL ENVIRONMENTAL
MANAGEMENT: INTEGRATED COASTAL MANAGEMENT BILL, 2007
[B40B-2007]**

1. INTRODUCTION

The National Council of Provinces referred the National Environmental Management: Integrated Coastal Management Bill, 2007[B40B-2007] to the Limpopo Legislature. Upon receipt by the Legislature, the Bill was referred to the Portfolio Committee on Economic Development, Environment and Tourism to make further inputs for consideration by the NCOP when negotiating the mandate.

2. OBJECTS OF THE BILL

The Bill seeks to establish a system of integrated coastal and estuarine management in the Republic, including norms, standards and policies, in order to promote the conservation of the coastal environment, and maintain the natural attributes of coastal landscapes and seascapes, and to ensure that development and use of natural resources within the coastal zone is socially and economic justifiable and ecologically sustainable; to define rights and duties in relation to coastal areas; to prohibit incineration at sea; to control dumping at sea, pollution in the coastal zone, inappropriate development of the coastal environment and other adverse effects on the coastal environment; to give effect to South Africa's international obligations in relation to coastal matters; and to provide for matters connected therewith.

3. CONSIDERATION OF THE BILL

The Portfolio Committee met the NCOP Permanent Delegate on 15 May 2008 to receive a detailed briefing on the principles and objects of the Bill. The Committee met again on 20 May 2008 for the consideration of the Bill. It was in this meeting that the Committee decided to conduct a provincial public hearing in which various stakeholders from five district municipalities of the province attended to make inputs and views on the Bill. The public hearing took place on 30 May 2008. Present in this hearing were the following stakeholders:

- Provincial Department of Economic Development, Environment and Tourism
- Traditional Leaders
- Mining Sectors
- Municipalities
- Business Sector
- Women Organizations
- Youth Organizations


4. INPUTS FROM THE STAKEHOLDERS

Stakeholders made inputs as follows:

- The Department of Water Affairs and Forestry should be taken on board to manage and monitor rivers, tributaries and pipelines that are expelling effluent into the sea.
- Department should enforce laws to anyone who transgress the law.
- Shipments from within and outside should be monitored.
- Marine Police should be reinforced to monitor the access control in the sea.
- Chapter 5 of the Bill should clearly outline who has competent authority between the National Coastal Committees and the Department in integrated coastal management.

5. RECOMMENDATIONS

The Committee, having considered the Bill, found that the Bill's enactment into law will address many problems of coastal management. All the concerns raised during the Public hearing should be taken into consideration before the Bill proceeds to the next stage. The Committee supports the provisions of the Bill. A mandate is conferred on the NCOP delegates to negotiate in favour of the Bill to pass into law.


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Mr. T.G.G. MASHAMBA, MPL
COMMITTEE CHAIRPERSON