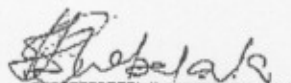


renumbering of the subsequent subsections.

25. On page 45, line 27, the removal of the words "to a fine of up to R5 000 000 or" and the insertion of the words "or to an equivalent fine" after the words "ten years" in line 28.
26. On page 45, line 30, the removal of the words "to a fine of up to R500 000 or" and the insertion of the words "or to an equivalent fine" after the words "five years" in line 31.
27. On page 45, line 34, the removal of the words "to a fine of up to R50 000 or" and the insertion of the words "or to an equivalent fine" after the words "six months": in line 35.
28. On page 46, after line 52, the insertion of "(xiii) or any activity which has an adverse effect on the coastal environment".

The Committee unanimously agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill provided that the above comments and proposed amendments are considered and consolidated in the Bill.

PROVINCIAL ENDORSMENT



**Ms L F Shabalala**  
CHAIRPERSON :  
KWAZULU-NATAL STANDING COMMITTEE ON  
NATIONAL COUNCIL OF PROVINCES MATTERS

Thursday, the 5<sup>th</sup> June 2008

DATE



**EASTERN CAPE PROVINCIAL LEGISLATURE**

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Date: 29 May 2008

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

Negotiating mandate on the National Environmental Management: Integrated Coastal Management Bill [B40B-2007]

1. ***Terms of reference***

The National Environmental Management: Integrated Coastal Management Bill [B40B-2007] hereinafter referred to as the Bill, was referred to the Portfolio Committee on Economic Affairs, Environment and Tourism by the NCOP Business Committee for consideration.

2. ***Consideration of the Bill***

The Portfolio Committee was briefed on the content and effect of the Bill by the officials from Department of Environmental Affairs and Tourism (DEAT). The Committee also conducted public hearings on the Bill on 26 and 27 May 2008, and also received written submissions on the Bill (Attached hereto).



3. ***Negotiating mandate of the Committee***

The Committee supports the spirit and purpose of the Bill but wishes to raise the following concerns:

- 3.1 The Bill is not fully in line with the approach of the White Paper for Sustainable Coastal Development as it omitted some of the key issues adopted in the White Paper.
- 3.2 The proposed 100m coastal protection zone restricts options for development and this will have socio-economic effect on communities and areas dependable on developmental projects within that zone.
- 3.3 The Bill must exclude proposed developments within the coastal zone if the development is adequately planned, the environmental impact assessment has been done as well as the environmental management plans.
- 3.4 The Bill must regulate and set standards for the erection of fences along the estuaries.
- 3.5 Section 14(5) of the Bill provides for the arbitrary alienation of private property. This infringes section 25 of the constitution which provides that "No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property".
- 3.6 Section 32(1)(b) must be rephrased to read "to be accompanied by a diagram, as defined in section 1 of the Land Survey Act, 1997, of the land involved which must be signed by a land surveyor".

3.7 The composition of coastal committees must be inclusive of all relevant stakeholders.

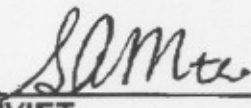
3.8 Municipalities through their Town Planning Schemes already have Coastal Zoning Schemes and the Bill does not address how they will be regulated.

3.9 The Bill must stipulate time frames within which appeals shall be dealt as prolonged processes may frustrate developments.

3.10 The Bill must address the integration and co-ordination of activities between DEAT, Department of Minerals and Energy and the Department of Water Affairs and Forestry on coastal management.

4. **Resolution**

That the Permanent Delegate for the Province of the Eastern Cape be mandated to represent the Province at the meeting considering the negotiating mandates and vote for the adoption of the Bill.

pp 

N. KIVIET

SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE