



environment
& tourism
Department:
Environment Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

NEPC Briefing: Proposed changes to ICM Bill

*(As agreed to by the Select Committee on Land and Environmental
Affairs) (National Council of Provinces)*



CHANGES PROPOSED

ARRANGEMENT OF SECTIONS

1. On page 5, in line 32, to omit “zoning” and to substitute “**planning**”.
2. On page 5, in line 33, to omit “zoning” and to substitute “**Planning**”.
3. On page 5, in line 34, to omit “zoning” and to substitute “**planning**”.



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CHANGES PROPOSED

CLAUSE 1

1. On page 9, in line 41, to omit “zoning” and to substitute “planning”.
2. On page 10, after line 30, after the definition of “environment” 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, from line 3, to omit the definition “environmental authorisation”.

Place
wrong order
alphabetically.



CHANGES PROPOSED

CLAUSE 9

1. On page 14, in line 34, to omit “Agriculture and”.

[9. (1) The Minister, acting with the concurrence of the Minister of Land Affairs,]



CHANGES PROPOSED

CLAUSE 13

1. On page 15, in line 47 to omit “**may**” and to substitute “**must**”

*[(4) The Minister, before granting approval for the imposition of a fee, **must** require a public participation process...]*



CHANGES PROPOSED

CLAUSE 15

1. On page 16, in line 44, to omit “**The**” and to substitute “**No person**”,
2. On page 16, in line 45, to omit “**not**”.

*[15. (1) **No person**, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion **may** require any organ]*



CHANGES PROPOSED

CLAUSE 26

1. On page 20, in line 26, to omit "MEC" and to substitute "Minister".

[(c) a special management area may be determined or adjusted by the Minister ..]



CHANGES PROPOSED

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.

(7) For purposes of this section, "government purposes" means the exercise of functions by an organ of state that are in the national interest or in the interest of national security but does not include donation, leases of more than 20 years or alienation by that organ of state".



*Previously no
power Min. reclaim
land.
What happens
coastal prop. once
excl.*

CHANGES PROPOSED

CLAUSE 32

1. On page 22, in line 38, after “**diagram**” to insert “**as defined in section 1 of the Land Survey Act, 1997 (Act No. 8 of 1997),**”.

[(b) be accompanied by a diagram as defined in section 1 of the Land Survey Act, 1997 (Act No. 8 of 1997),]

Make it specific.



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CHANGES PROPOSED

CLAUSE 34

1. On page 23, in line 15, to omit “**person**” and substitute “**body**”.

[34. (1) The responsible body contemplated]



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CHANGES PROPOSED

CLAUSE 35

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

[35. (1) The Minister **must** by notice in the Gazette establish a National Coastal Committee and determine its powers.]

Should not be discretionary but obligation.

CHANGES PROPOSED

CLAUSE 40

1. On page 25, in line 45, after "resources" to insert "including representatives of government who play a significant role in undertaking or regulating activities that may have an adverse impact on the coastal environment".

2. On page 25, in line 52, to omit "and".

3. On page 25, after line 53, to add the following subparagraphs
"(iii) one or more members representing community based and non-government organisations; and
(iv) one or more members representing scientific or coastal research institutes".

PTO

Not mandatory but inclusive.

Make as rep. as possible.

the council is provincial (school) meetings.

Who takes part to app. provincial coastal comm.

Rep's must be regis.



CHANGES PROPOSED

40. (1) .. the MEC must determine the composition of the **Provincial Coastal Committee**, and in doing so must representation on the Provincial Coastal Committee of organs of state and community groups or bodies which have a material and direct interest in the conservation and management of the coast or the use of coastal resources including representatives of government who play a significant role in undertaking or regulating activities that may have an adverse impact on the coastal environment.

(2) The MEC must—

(a) appoint personsincludes—

(i) persons with expertise in fields relevant to coastal management;

(ii) one or more members representing municipalities in the coastal zone;

(iii) one or more members representing community based and non-government organisations; and



CHANGES PROPOSED

CLAUSE 49

1. On page 29, in line 47, to omit “and”.

2. On page 29, after line 50, to add the following subparagraphs

“(v) to address coastal erosion and accretion;
and

(vi) to deal with access issues”.

PTO



CHANGES PROPOSED

49. (1) A municipal coastal management programme must—

.....

(c) priorities and strategies—

.....

(v) to address coastal erosion and accretion; and

(vi) to deal with access issues.



CHANGES PROPOSED

CLAUSE 56

1. On page 32, in lines 13, 14, 15, 23, 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 15, 16, 19, 21 and 22, to **omit** “zoning” and to **substitute** “planning”.



CHANGES PROPOSED

CLAUSE 71

1. On page 41, in line 36, to omit “and”.
2. On page 41, after line 36 to insert the following paragraph:
“(f) **transboundary impacts and international obligations and standards;and**”
3. On page 41, in line 37, to omit “(f)” and to substitute “(g)”.

*[(2) When deciding an application for a **dumping permit** contemplated in subsection (1), the Minister must have regard to—*

- (a) the Waste Assessment Guidelines set out in Schedule 2;
- (b) any coastal management programme applicable in the area;
- (c)

(f) transboundary impacts and international obligations and standards; and

(g) any other factors that may be prescribed.]



CHANGES PROPOSED

CLAUSE 83

1. On page 46, in lines 34 and 40, to omit “zoning” and to substitute “planning”.
2. On page 46, in line 52, after “property;” to insert “or”.
3. On page 46, after line 52, to add the following subparagraph:

“(xiii) any activity which has an adverse effect on the coastal environment.”

[83. (1) The Minister may make regulations relating to

*..... **“(xiii) any activity which has an adverse effect on the coastal environment.”**]*



CHANGES PROPOSED

CLAUSE 89

1. On page 49, in line 27, after “**Delegations**” to insert “**and enforcement**”.

[*Part 3*

Delegations and enforcement]



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CHANGES PROPOSED

CLAUSE 95

1. On page 51, in line 30, to omit “**land or premises that forms part of**”.

[95. (1) Subject to subsection (3), this Act does not affect the continuation of—

- (a) ***a lawful lease on** land or premises that forms part of **coastal public property,***



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