

Government Gazette Staatskoere

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 524

Cape Town, 11 February 2009
Kaapstad, 11 Februarie 2009

No. 31884

THE PRESIDENCY

No. 138

11 February 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 24 of 2008: National Environmental Management: Integrated Coastal Management Act, 2008.

OFISI KAMONGAMELI

Ino. 138

11 February 2009

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

Ino. 24 ka 2008: luLawulo Lokusi-Ngqongileyo lweSizwe: uMthetho oDibeneyo woLawulo loNxweme, 2008.

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

*(English text signed by the President.)
(Assented to 9 February 2009.)*

ACT

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 the use of natural resources within the coastal zone is socially and economically justifiable and ecologically sustainable; to define rights and duties in relation to coastal areas; to determine the responsibilities of organs of state 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.

PREAMBLE

WHEREAS everyone has the constitutional right to have the environment, including the coastal environment, protected for the benefit of present and future generations;

AND WHEREAS integrated management of the coastal zone as a system is essential to achieve the constitutional commitment to improving the quality of life of all citizens, while protecting the natural environment for the benefit of present and future generations;

AND WHEREAS the coastal zone is a unique part of the environment in which biophysical, economic, social and institutional considerations interconnect in a manner that requires a dedicated and integrated management approach;

AND WHEREAS much of the rich natural heritage of our coastal zone is being squandered by overuse, degradation and inappropriate management;

AND WHEREAS the economic, social and environmental benefits of the coastal zone have been distributed unfairly in the past;

AND WHEREAS the conservation and sustainable use of the coastal zone requires the establishment of an innovative legal and institutional framework that clearly defines the status of coastal land and waters and the respective roles of the public, the State and other users of the coastal zone and that facilitates a new co-operative and participatory approach to managing the coast;

*(English text signed by the President.)
(Assented to 9 February 2009.)*

UMTHETHO

Wokuseka indlela edibeneyo yokulawula unxweme namachweba eRiphabliki (okusekwe kumbono omnye mayela nezi ndawo), kuquka imimiselo, imigangatho nemigaqo-nkqubo enjongo zawo zikukuphakamisa ulondolozo lokusingqongileyo kwimimandla yamanxweme, kwakunye nokugcina ubuhle bendalo yonxweme nezithabazi zamathafa nobume bolwandle,, nokuqinisekisa ukuba uphuhliso nokusetyenziswa kwemithombo yendalo kwimimandla yonxweme inegalelo elizinzileyo kwintlalo, noqoqosho kunye nokusebenzisa ngenkathalo ezo zinto zifumaneka nezingqonge imimandla yonxweme; ukucacisa amalungelo nemisebenzi ngokumayelana nemimandla yonxweme; ukuqinisekisa uxanduva lukarhulumente ngokumayela nonxweme nemimandla egudle unxweme; wokuthintela ukutshisela izinto elwandle; nokulawula ukulahlwa kwenkunkuma kummandla wonxweme, ungcoliseko kummandla wonxweme, uphuhliso olungafanelekanga kwimimandla egqonge unxweme nezinye ke izinto ezinegalelo elibi kummandla ongqonge unxweme; ukunika intsingiselo kwizibophelelo zoMzantsi Afrika namazwe-ngamazwe kwimicimbi emalunga nonxweme; nokulungiselela nemiba enxulumene noko.

IMBULAMBETHE

NAKUBENI ngokomgaqo-siseko wonke umntu unelungelo lokuba okumngqongileyo, kuquka nokungqonge imimandla yonxweme, ukuba kukhuselwe ukuze kuxhamle isizukulwana esiphilayo nesisezayo;

KWAYE NAKUBENI ulawulo oludibeneyo lommandla wonxweme njengenkqubo esisiseko esibalulekileyo ekufikeleleni kwizibophelelo zomgaqo-siseko zokuphucula ubomi babo bonke abemi, kungayekwanga ukukhusela indalo yokusingqongileyo kulungiselelwa ikamva lesizukulwana esikhoyo nesisezayo;

KWAYE NAKUBENI ummandla wonxweme uyindawo eyodwa yokusingqongileyo apho kudibana khona izinto eziphilayo nezingaphiliyo, uqoqosho, intlalo neengqwalasela zeziko, ekufuneka zonke zidibane zibe mbono-mnye ngendlela efuna ulawulo olukhuthelayo noludibeneyo;

KWAYE NAKUBENI ubukhulu belifa lobutyebi bemvelo bommandla wonxweme buchithwa kakubi ngenxa yokusetyenziswa ngokugqithisileyo, ukuthotywa nolawulo olungelulo;

KWAYE NAKUBENI izibonelelo zokusingqongileyo zoqoqosho, nentlalo czixhamlekayo kummandla wonxweme bezisabiwa ngendlela enomkhethe kwimihla yangaphambili;

KWAYE NAKUBENI ulondolozo nozinzo ekusetyenzisweni kommandla wonxweme kufuna umgaqo-sikhokelo esisemthethweni soqalo olutsha nescziko czicacisa ngokupheleleyo ukubaluleka kommandla wonxweme umhlaba namanzi wawo neendima ezahlukahlukeneyo zoluntu, urhulumente nabanye abasebenzisi bommandla wonxweme nabenza lula intsebenziswano entsha nendlela esebenzisanayo yokulawulwa konxweme;

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

AND WHEREAS integrated coastal management should be an evolving process that learns from past experiences, that takes account of the functioning of the coastal zone as a whole and that seeks to co-ordinate and regulate the various human activities that take place in the coastal zone in order to achieve its conservation and sustainable use,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

	CHAPTER 1	5
	INTERPRETATION, OBJECTS AND APPLICATION OF ACT	
1.	Definitions	
2.	Objects of Act	
3.	State's duty to fulfil environmental rights in coastal environment	
4.	Application of Act	10
5.	Application of National Environmental Management Act	
6.	Conflicts with other legislation	
	CHAPTER 2	
	COASTAL ZONE	
	<i>Part 1</i>	15
	<i>Coastal public property</i>	
7.	Composition of coastal public property	
8.	Extending coastal public property	
9.	Acquisition of private land by State	
10.	Designation of State-owned land for certain purposes	20
11.	Ownership of coastal public property	
12.	State public trustee of coastal public property	
13.	Access to coastal public property	
14.	Position of high-water mark	
15.	Measures affecting erosion and accretion	25
	<i>Part 2</i>	
	<i>Coastal protection zone</i>	
16.	Composition of coastal protection zone	
17.	Purpose of coastal protection zone	
	<i>Part 3</i>	30
	<i>Coastal access land</i>	
18.	Designation of coastal access land	
19.	Process for designating and withdrawing designation of coastal access land	
20.	Responsibilities of municipalities with regard to coastal access land	

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

KWAYE NAKUBENI ulawulo lonxweme oludibeneyo yinkqubo eqhubekakayo, efundayo kumava angaphambili ethi ijongane nokusebenza kommandla wonxweme uphela nezama ukulungelelanisa nokulawula imisebenzi eyahlukahlukeneyo yoluntu eqhubeka kummandla wonxweme khona ukuze ifikelele kulondolozo nokusetyensiswa ngokuzinzileyo.

NGAKO OKO UMISIWE yiPalamente yeRiphabliki yaseMzantsi Afrika, ngolu hlobo lulandelayo:—

UKULUNGISWA KWAMACANDELO

ISAPHLUKO 1

UCAZULULO, IINJONGO KUNYE NOSETYENZISO LOMTHETHO 5

1. Iingcaciso
2. Injongo zoMthetho
3. Inxaxheba kaRhulumente ekufezekiseni amalungelo okusingqongileyo kummandla wonxweme
4. Usetyenziso loMthetho 10
5. Usetyenziso loMthetho woLawulo lokusiNgqongileyo kaZwelonke
6. Ungquzulwano neminye imithetho

ISAPHLUKO 2

UMMANDLA WONXWEME

***Indima yo-1* 15**

Umandla wonxweme kawonke-wonke

7. Iindawo ezenza ummandla wonxweme kawonke-wonke
8. Ukwandiswa kommandla wonxweme kawonke-wonke
9. Ukuthatyathwa komhlaba womntu nguRhulumente
10. Ukutyunjwa komhlaba nguRhulumente ngenjongo ezithile 20
11. Ubumnini bommandla kawonke-wonke wonxweme
12. URhulumente njengommemli nomgcini wommandla wonxweme kawonke-wonke
13. Ukufikelela kummandla wonxweme kawonke-wonke
14. Udini lowona mgama mde nophezulu uhanjwa ngamanzi ukuya kwicala lomhlaba lonxweme. 25
15. Amanyathelo okuthintela ukhukuliseko nakuphi na ukwanda

Indima ye-2

Umandla okhuselekileyo wonxweme

16. Iindawo ezenza ummandla wokhuselo wonxweme 30
17. Iinjongo zommandla wokhuselo lonxweme

Indima ye-3

Indlela yokufikelela kumhlaba wonxweme

18. Ukutyunjwa kwendlela yokufikelela kumhlaba wommandla wonxweme
19. Inkqubo yokutyumba nokurhoxiswa kwendlela yokufikelela kumhlaba wonxweme 35
20. Uxanduva loomasipala ngokumayela nokufikelela kumhlaba wonxweme

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 4

Coastal waters

21. Control and management of coastal waters

Part 5

Coastal protected areas

5

22. Excision of protected areas from coastal protection zone

Part 6

Special management areas

23. Declaration of special management areas

24. Management of special management areas

10

Part 7

Coastal set-back lines

25. Establishment of coastal set-back lines

CHAPTER 3

BOUNDARIES OF COASTAL AREAS

15

26. Determination and adjustment of coastal boundaries

27. Determining and adjusting coastal boundary of coastal public property

28. Determining and adjusting coastal boundaries of coastal protection zone

29. Determining and adjusting coastal boundaries of coastal access land

30. Entry onto land

20

31. Marking coastal boundaries on zoning maps

32. Endorsements by Registrar of Deeds

CHAPTER 4

ESTUARIES

33. National estuarine management protocol

34. Estuarine management plans

25

CHAPTER 5

INSTITUTIONAL ARRANGEMENTS

Part 1

National Coastal Committee

30

35. Establishment and functions of National Coastal Committee

36. Composition of National Coastal Committee

37. Vacation of office and termination of membership

Part 2

Provincial lead agencies

35

38. Designation and functions of provincial lead agency

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

INdima ye-4***Amanzi onxweme***

21. Ulawulo lwamanzi onxweme

INdima ye-5***Imimandla ekhuselweyo yonxweme*** 5

22. Ukwahlulwa kwemimandla ekhuselweyo kummandla wokhuselo lonxweme

INdima ye-6***Ummandla wolawulo olulodwa***

23. Ubhengezo lommandla wolawulo olulodwa
 24. Ulawulo lommandla wolawulo olulodwa 10

INdima ye-7***Umda wobuyiselo-mva lonxweme***

25. Ukusekwa kwemida yobuyiselo-mva lonxweme

ISAHLUKO 3**IMIDA YEMIMMANDLA YONXWEME** 15

26. Ukubekwa nokuhlengahlengiswa kwemida yonxweme
 27. Ukubekwa nokuhlengahlengiswa kwemida yommandla wonxweme kawonke-wonke
 28. Ukubekwa nokuhlengahlengiswa kwemida yokhuselo lonxweme
 29. Ukubekwa nokuhlengahlengiswa kwemida yokwenza ufikeleleko kunxweme 20
 30. Ukungena emhlabeni
 31. Ukuphawula imida yonxweme kwizikhokelo ezikwimaphu
 32. Ukungqinisiswa ngokusayinwa nguMgcini-miqulu yoluhlu lwabanini mihlaba

ISAHLUKO 4**AMACHWEBA** 25

33. Isikhokelo solawulo lwamachweba esizwe
 34. Iiscwangciso solawulo lwamachweba

ISAHLUKO 5**AMALUNGISELELO EZIKO*****INdima yo-1*** 30***IKomiti yoNxweme yeSizwe***

35. Ukusekwa nokusebenza kweKomiti yoNxweme yeSizwe
 36. Ukuqulunqwa kweKomiti yoNxweme yeSizwe
 37. Ukushiywa kolawulo nokunqunyanyiswa kobulungu

INdima ye-2 35***Ii-arente ezikhokela kumaphondo***

38. Ukonyulwa nemisebenzi yee-arente ezikhokela kumaphondo

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

Part 3

Provincial Coastal Committees

- | | | |
|-----|--|---|
| 39. | Establishment and functions of Provincial Coastal Committees | |
| 40. | Composition of Provincial Coastal Committees | |
| 41. | Vacation of office and termination of membership | 5 |

Part 4

Municipal Coastal Committees

- | | | |
|-----|---|--|
| 42. | Establishment and functions of Municipal Coastal Committees | |
|-----|---|--|

Part 5

Voluntary Coastal Officers

- | | | |
|-----|----------------------------|----|
| 43. | Voluntary coastal officers | 10 |
|-----|----------------------------|----|

CHAPTER 6

COASTAL MANAGEMENT

Part 1

National coastal management programme

- | | | |
|-----|---|----|
| 44. | Preparation and adoption of national coastal management programme | |
| 45. | Contents of national coastal management programme | 15 |

Part 2

Provincial coastal management programmes

- | | | |
|-----|--|----|
| 46. | Preparation and adoption of provincial coastal management programmes | |
| 47. | Contents of provincial coastal management programmes | 20 |

Part 3

Municipal coastal management programmes

- | | | |
|-----|---|----|
| 48. | Preparation and adoption of municipal coastal management programmes | |
| 49. | Contents of municipal coastal management programmes | |
| 50. | By-laws | 25 |

Part 4

Co-ordination and alignment of plans and coastal management programmes

- | | | |
|-----|--|----|
| 51. | Alignment of certain plans with coastal management programmes | |
| 52. | Ensuring consistency between coastal management programmes and other statutory plans | 30 |

Part 5

Public participation

- | | | |
|-----|---------------------------------------|--|
| 53. | Consultation and public participation | |
|-----|---------------------------------------|--|

LULAWULO LOKUSINGQONGILEYO LWESIZWE: **Act No. 24, 2008**
 UMTHEHO ODIBENEYO WOLAWULO LONXWEME, 2008

INdima ye-3

IiKomiti zoNxweme zamaPhondo

39. Ukusekwa nemisebenzi yeeKomiti zoNxweme zamaPhondo
 40. Ukuqulunqwa kweeKomiti zoNxweme zamaPhondo
 41. Ukushiya kolawulo nokunqunyanyiswa kobulungu 5

INdima ye-4

IiKomiti zoNxweme zooMasipala

42. Ukusekwa nemisebenzi yeeKomiti zoNxweme zooMasipala

INdima ye-5

AmaGosa oNxweme aziThandelayo

43. Amagosa onxweme azithandelayo 10

ISIAHLUKO 6

ULAWULO LONXWEME

INdima yo-1

Inkqubo yesizwe yolawulo lonxweme

44. Ulungiselelo nolwamkelo lwenkqubo yesizwe yolawulo lonxweme
 45. Umongo wenkqubo yolawulo lonxweme yesizwe 15

INdima ye-2

Iinkqubo zolawulo lwamanxweme zamaphondo

46. Ulungiselelo nolwamkelo, lweenkqubo zolawulo lwamanxweme zamaphondo 20
 47. Umongo weenkqubo zolawulo lwamanxweme zamaphondo

INdima ye-3

Iinkqubo zolawulo lwamanxweme zoomasipala

48. Ulungiselelo nolwamkelo lweenkqubo zolawulo lwamanxweme zoomasipala
 49. Umongo wcenkqubo zolawulo lwamanxweme zoomasipala 25
 50. Imithetho yendawo

INdima ye-4

Ukulungelelisa nokumanyana koyilo lwenkqubo nenkqubo yolawulo lonxweme

51. Ukumanywa kwezicwangciso ezithile neenkqubo zolawulo lonxweme
 52. Ukuqinisekiswa kongqinelwano phakathi kweenkqubo zolawulo lonxweme kunye nezinye izicwangciso zomthetho 30

INdima ye-5

Ukuthatha inxaxheba koluntu

53. Ukucebisana nokuthatha inxaxheba koluntu

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

Part 6

Review of coastal management programmes

54. Powers of Minister to review coastal management programmes
55. Review of municipal coastal management programmes

Part 7

5

Coastal planning schemes

56. Planning schemes for areas within coastal zone
57. Coastal planning and land use schemes of municipalities

CHAPTER 7

PROTECTION OF COASTAL RESOURCES

10

Part 1

Assessing, avoiding and minimising adverse effects

58. Duty to avoid causing adverse effects on coastal environment
59. Coastal protection notice and coastal access notice
60. Repair or removal of structures within coastal zone
61. Failure to comply with certain notices

Part 2

Regulation of coastal zone

62. Implementation of land use legislation in coastal protection zone

Part 3

20

Environmental authorisations

63. Environmental authorisations for coastal activities
64. Minister may grant environmental authorisation in interests of whole community

Part 4

25

Coastal leases and coastal concessions on coastal public property

65. Award of leases and concessions on coastal public property
66. Terms of coastal leases and coastal concessions

Part 5

General provisions

30

67. Temporary occupation of land within coastal zone
68. Amendment, revocation, suspension or cancellation of authorisations

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMKHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

Indima ye-6

Ukuhlolwa kweenkqubo zolawulo lonxweme

54. Amagunya oMphathiswa okuhlola iinkqubo zolawulo lonxweme
 55. Uhlolo lweenkqubo zolawulo lonxweme zoomasipala

Indima ye-7

5

Amalungiselelo okucwangciswa konxweme

56. Amalungiselelo okucwangcisa emimandla engaphakathi kummandla wonxweme
 57. Ukucwangciswa konxweme nesikimu sosetyenziso mhlaba woomasipala

ISAHLUKO 7

10

UKUKHUSELWA KOBUNCWANE BONXWEME

Indima yo-1

Ukuhlola, ukuphepha nokunciphisa iziphumo ezinegalelo elibi

58. Uxanduva lokuphepha izinto ezenza iziphumo ezingalunganga kokungqonge unxwemeni
 59. Isaziso sokhuselo lonxweme kunye nesaziso sokungena enxwemeni
 60. Ukulungiswa okanye ukususwa kwezakhiwo ezise nxwemeni
 61. Ukusilela ukuthobela izaziso ezithile

Indima ye-2

Ukumiselwa kommandla wonxweme

20

62. Ukuzalisekiswa komthetho wosetyenziso mhlaba kummandla wokhuselo lonxweme

Indima ye-3

Ugunyaziso oludibeneyo lokusingqongileyo

63. Ugunyaziso lokusingqongileyo kummandla wonxweme
 64. UMphathiswa angasikhupha isigunyaziso sokusingqongileyo xa oko kuzakuba yinzuzo yoluntu lonke

Indima ye-4

Ukuqeshisa konxweme nemvume yonxweme kummandla kawonke-wonke wonxweme

30

65. Ukunikezelwa kwemvume yokuqesha okanye imvume yokusebenzisa umhlaba kummandla wonxweme kawonke-wonke
 66. Imiqathango yoqeshiso nemvume yokusebenzisa umhlaba wommandla wonxweme kawonke-wonke

Indima ye-5

35

Izibonelelo jikelele

67. Ukuhlala okwexeshana kumhlaba ongaphakathi kommandla wonxweme
 68. Ukuhlonyelwa, ukurhoxiswa, ukuxhonywa okanye ukucinywa kwemvumbe yokusebenzisa ummandla wonxweme

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

CHAPTER 8

MARINE AND COASTAL POLLUTION CONTROL

- | | |
|---|---|
| 69. Discharge of effluent into coastal waters | |
| 70. Prohibition of incineration or dumping at sea | |
| 71. Dumping permits | 5 |
| 72. Emergency dumping at sea | |
| 73. National action list | |

CHAPTER 9

APPEALS

- | | |
|--|----|
| 74. Appeals | 10 |
| 75. Advisory appeal panel | |
| 76. Interim orders by Minister or MEC | |
| 77. Proceedings of advisory appeal panel | |
| 78. Determination of appeal by Minister or MEC | |

CHAPTER 10

15

ENFORCEMENT

- | | |
|--|----|
| 79. Offences | |
| 80. Penalties | |
| 81. Jurisdiction of courts | |
| 82. Actions in relation to coastal public property | 20 |

CHAPTER 11

GENERAL POWERS AND DUTIES

Part 1

Regulations

- | | |
|--|----|
| 83. Regulations by Minister | 25 |
| 84. Regulations by MECs | |
| 85. General provisions applicable to regulations | |
| 86. Amendment of Schedule 2 | |

Part 2

Powers to be exercised by Minister and MEC

30

- | | |
|---|--|
| 87. Powers to be exercised by Minister | |
| 88. Directives by MEC to municipalities | |

Part 3

Delegations

- | | |
|-----------------------------|----|
| 89. Delegation by Minister | 35 |
| 90. Enforcement by Minister | |
| 91. Delegation by MECs | |

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

ISAPHLUKO 8**ULAWULO LOKUNGCOLISWA KWEZOLWADLE KUNYE NONXWEME**

- | | |
|--|---|
| 69. Ukukhutshelwa kwezinto ezinobumdaka yimijelo kumanzi ommandla wonxweme | |
| 70. Ukunqanda ukutshisa okanye ukulahlela elwandle | 5 |
| 71. Iimvume zokulahlela izinto ezimdaka elwandle | |
| 72. Ukulahlela elwandle ngexesha likaxakeka | |
| 73. Uludwe lukazwelonke lomakwenziwe | |

ISAPHLUKO 9**IZIBHENO**

10

- | | |
|---|----|
| 74. Izibheno | |
| 75. Isigqeba esicebisa sezibheno | |
| 76. Imiyalelo yexeshana ekhutshwa nguMphathiswa okanye uMphathiswa wePhondo | |
| 77. Inkqubo yesigqeba esicebisayo sezibheno | 15 |
| 78. Ukuqwalaselwa kwezibheno nguMphathiswa okanye uMphathiswa wephondo | |

ISAPHLUKO 10**USETYENZISO-MTHETHO**

- | | |
|---|----|
| 79. Ulwaphulo-mthetho | |
| 80. Izohlwayo | 20 |
| 81. Amagunya eenkundla zomthetho | |
| 82. Izenzo malunga nommandla wonxweme kawonke-wonke | |

ISAPHLUKO 11**AMAGUNYA JIKELELE NEMISEBENZI*****INdima yo-1***

25

Imimiselo

- | | |
|---|----|
| 83. Imimiselo yoMphathiswa | |
| 84. Imimiselo yoMphathiswa wePhondo | |
| 85. Izibonelelo jikelele eziphathelene nemimiselo | |
| 86. Uhlomelo loLudwe lwesi-2 | 30 |

INdima ye-2***Amagunya amakasyenziswe nguMphathiswa noMphathiswa wePhondo***

- | | |
|---|--|
| 87. Amagunya amakasyenziswe nguMphathiswa | |
| 88. Ulawulo lo-Mphathiswa wePhondo komasipala | |

INdima ye-3

35

Ulwabiwo-magunya

- | | |
|---|--|
| 89. Ulwabiwo-magunya nguMphathiswa | |
| 90. Usetyenziso mthetho nguMphathiswa | |
| 91. Ulwabiwo-magunya nguMphathiswa wePhondo | |

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 4

General matters

- | | |
|---|---|
| 92. Urgent action by Minister | |
| 93. Information and reporting on coastal matters | |
| 94. Co-ordination of actions between provinces and municipalities | 5 |

CHAPTER 12

MISCELLANEOUS MATTERS

Part 1

Transitional provisions

- | | |
|---|----|
| 95. Existing leases on, or rights to, coastal public property | 10 |
| 96. Unlawful structures on coastal public property | |
| 97. Existing lawful activities in coastal zone | |
| 98. Repeal and amendment of legislation | |
| 99. Savings | |

Part 2

15

General

- | | |
|------------------------------|--|
| 100. Limitation of liability | |
| 101. Short title | |

SCHEDULE 1

- | | |
|----------------------------|----|
| Laws repealed and amended. | 20 |
|----------------------------|----|

SCHEDULE 2

Guidelines for the assessment of wastes or other material that may be considered for dumping at sea ("the Waste Assessment Guidelines").

CHAPTER 1

INTERPRETATION, OBJECTS AND APPLICATION OF ACT 25

Definitions

1. (1) In this Act, unless the context indicates otherwise—
- “**admiralty reserve**” means any strip of land adjoining the inland side of the high-water mark which, when this Act took effect, was state land reserved or designated on an official plan, deed of grant, title deed or other document evidencing title or land-use rights as “admiralty reserve”, “government reserve”, “beach reserve”, “coastal forest reserve” or other similar reserve; 30
- “**adverse effect**” means any actual or potential impact on the environment that impairs, or may impair, the environment or any aspect of it to an extent that is more than trivial or insignificant and, without limiting the term, includes any actual or potential impact on the environment that results in— 35
- (a) a detrimental effect on the health or well-being of a person;

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

*INdima ye-4**Imiba jikelele*

92. Amanyathelo angxamisekileyo athathwa nguMphathiswa
 93. Inkcukacha nengxelo ngemicimbi yonxweme
 94. Ukuququzelelwa kokwenziwa kwezinto phakathi kwamaphondo noomasipala 5

ISAHLUKO 12**IMICIMBI EENTLOBO NGEENTLOBO***INdima yo-1**Izibonelelo zexesha lenguqu*

95. Iingqesho-mihlaba namalungelo akhoyo nemiyo kwimihlaba ekummandla wonxweme kawonke-wonke 10
 96. Izakhiwo czingekho semthethweni ekummandla wonxweme kawonke-wonke
 97. Izinto ezisemthethweni eziqhubekayo kummandla wonxweme wokhuselo lonxweme
 98. Ukurhoxiswa nokuhlonyelwa kwemithetho 15
 99. Imithetho egciniweyo

*INdima ye-2**Ngokubanzi-jikelele*

100. Umda woxanduva lweziphumo ezinokuvela ngenxa yalo mthetho
 101. Isihloko esifutshane 20

ULUDWE LO-1

Imithetho eguzulweyo nehlonyelweyo

ULUDWE LWE-2

Izikhokelo zokuvavanywa kokungcola okanye ezinye izinto ezingabonwa njengezinokulahlwa elwandle ("Izikhokelo zovavanyo lokungcola") 25

ISAHLUKO 1**UCAZULULO, IINJONGO KUNYE NOSETYENZISO LOMTHETHO****Iinkcazelo**

1. (1) Kulo Mthetho, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo—
 "ummandla obekwebucala" ithetha nawuphi umhlaba owayame ngaphakathi kumhlaba okwicala lodini lwamanzi oluthe, xa lo Mthetho ubusungulwa, ibengumhlaba karhulumente ogcinelwe okanye obekelwe bucala isicwangciso esisesikweni, incwadi yesigqibo yemvume, ixwebhu lelungelo elithile lomhlaba okanye elinye ixwebhu elibonakalisa ilungelo elithile lomhlaba okanye amalungelo ukusetyenziswa komhlaba nje "ngommandla obekelwe bucala", "umhlaba kaRhulumente", "umhlaba obekelwe bucala unxweme", "umhlaba obekelwe amahlathi onxweme" okanye okunye ukubekelwa okufanayo; 30
 "isiphumo esingalunganga" sithetha eyona nto okanye into eyokonakalisa okusingqongileyo, okanye esenokonakalisa, okusingqongileyo okanye nayiphi na inxalenye yalo nto enokuthi yenze umonakalo obonakalayo nokuthi, ngaphandle kokuzibophelela kulo mmiselo, oku kuquka nayiphi na into enokuchaphazela okusingqongileyo apho kuthi kubenemiphumela eyi le— 35
 (a) iziphumo ezonakalisayo kwimpilo okanye kwintlalo yomntu; 40

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

(b) an impairment of the ability of any person or community to provide for their health, safety or social and economic needs; or

(c) a detrimental effect on the environment due to a significant impact or cumulative effect of that impact taken together with other impacts;

“**aircraft**” means an aircraft as defined in terms of section 1 of the National Environmental Management Act; 5

“**authorisation**” means an authorisation under this Act, and includes a coastal waters discharge permit, a general authorisation, a dumping permit, a coastal lease, a coastal concession and any authorisation that is regarded as being an authorisation under this Act, but excludes an environmental authorisation; 10

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**biodiversity**” or “**biological diversity**” has the same meaning ascribed to it in the Biodiversity Act;

“**coastal access land**” means land designated as coastal access land in terms of section 18(1), read with section 26; 15

“**coastal activities**” means coastal activities listed or specified in terms of Chapter 5 of the National Environmental Management Act which take place in the coastal zone;

“**coastal concession**” means a concession awarded in terms of section 65 read with section 95; 20

“**coastal environment**” means the environment within the coastal zone;

“**coastal lease**” means a lease awarded in terms of section 65 read with section 95;

“**coastal management**” includes—

(a) the regulation, management, protection, conservation and rehabilitation of the coastal environment; 25

(b) the regulation and management of the use and development of the coastal zone and coastal resources;

(c) monitoring and enforcing compliance with laws and policies that regulate human activities within the coastal zone; and 30

(d) planning in connection with the activities referred to in paragraphs (a), (b) and (c);

“**coastal management objective**” means a clearly defined objective established by a coastal management programme for a specific area within the coastal zone which coastal management must be directed at achieving; 35

“**coastal management programme**” means the national or a provincial or municipal coastal management programme established in terms of Chapter 6;

“**coastal planning scheme**” means a scheme that—

(a) reserves defined areas within the coastal zone to be used exclusively or mainly for specified purposes; and 40

(b) prohibits or restricts any use of these areas in conflict with the terms of the scheme;

“**coastal protected area**” means a protected area that is situated wholly or partially within the coastal zone and that is managed by, or on behalf of, an organ of state, but excludes any part of such a protected area that has been excised from the coastal zone in terms of section 22; 45

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) ukuphazamiseka emandleni akhe nawuphi na umntu okanye abahlali ekuziboneleleni ngokwezidingo zabo ngempilo yabo, ekukhuselekeni okanye kwimfuno zentlalo noqoqosho; okanye
- (c) iziphumo ezonakalisayo kubume bokusingqongileyo ngenxa yempembelelo enobuzaza okanye iziphumo ezongezelekayo kwimpembelelo ehambelana kunye nezinye iimpembelelo; 5
- “inqwelo-moya”** ithetha inqwelo-moya njengoko kucacisiwe kwisolotyalo-1 kuMthetho weSizwe woLawulo lokusiNgqongileyo;
- “isigunyaziso”** ithetha ukugunyazisa phantsi kwalo Mthetho kwaye iquka imvume yokuchitha ubumdaka emanzini onxweme, ukugunyazisa jikelele, imvume yokulahla, ukuqeshiswa konxweme, imvume yezonxweme kunye naluphi na ugunyaziso phantsi kwalo Mthetho, kodwa ingaquki isigunyaziso ngokusingqongileyo; 10
- “UMthetho woMxube weNdalo”** uthetha uLawulo lokusiNgqongileyo kaZwelonke: UMthetho woMxube weNdalo 2004 (uMthetho onguNom 10 ka-2004); 15
- “umxube wendalo”** okanye **“umxube wezinto eziphilayo”** inentsingiselo efanayo ngendlela ekuchazwe ngayo kuMthetho woMxube weNdalo;
- “umhlaba wokufikelela enxwemeni”** uthetha umhlaba obekwe bucala nje ngomhlaba wokwenza lula ukufikelela enxwemeni ngokwesolotyalo-18(1), lifundwe kunye nesolotyalo-26; 20
- “izinto ezinto ezinokwenziwa enxwemeni”** ithetha ezo zinto zikuluhlu okanye ezicacisiwe kwiSahluko se-5 soMthetho weSizwe woLawulo lokusiNgqongileyo ezenzeka kummandla wonxweme;
- “imvume yezonxweme”** ithetha ukunikezwa kwemvume ngokwesolotyalo-65 lifundwe nesolotyalo-96; 25
- “ubume bokungqonge unxweme”** buthetha ubume bokusingqongileyo ngaphakathi kommandla wonxweme;
- “uqeshiso lonxweme”** luthetha imvume yokuqesha ngokwesolotyalo-65 lifundwe nesolotyalo-95; 30
- “ulawulo lonxweme”** luquka—
- (a) ukumisela umthetho, ulawulo, ukhuselo, ulondolozo kunye nokubuyisela kwisimo sesiqhelo sobume bemeko yonxweme;
- (b) ukumisela umthetho kunye nokulawula ukusetyenziswa nokuphuhlisa kommandla wonxweme kunye nobutyebi bonxweme; 35
- (c) ukongamela kunye nokunyanzeliswa kokuthobela imithetho nemigaqonkqubo elawula izenzo zabantu kummandla wonxweme, kunye
- (d) nokucwangcisa malunga nezenzo ekuthethwa ngazo kwimihlathi (a), (b), no(c)
- “injongo yolawulo lonxweme”** ithetha injongo emiswe ngokucacileyo yinkqubo yolawulo kwindawo ethile ngaphakathi kommandla wonxweme apho kufuneka kulawulwe ukuze kuphunyezwe ulawulo lonxweme; 40
- “inkqubo yolawulo lonxweme”** ithetha inkqubo yolawulo lonxweme yesizwe, okanye yophondo okanye inkqubo yolawulo lonxweme kamasipala emiswe ngokweSahluko se-6; 45
- “indawo ekhuselweyo enxwemeni”** ithetha indawo ekhuselweyo eme ngaphakathi kommandla wonxweme wonke okanye kwinxalenye yommandla olawulwa ngurhulumente, okanye egameni lelungu likarhulumente, kodwa le ndawo ayiquki nayiphi na indawo yommandla okhuselweyo okhethwe ngokwesolotyalo-22; 50
- “ummandla wokhuseleko wonxweme”** uthetha ummandla wokhuseleko wonxweme ngokucwangciswa kwisolotyalo-17;
- “ummandla wonxweme kawonke-wonke”** uthetha ummandla wonxweme kawonke-wonke ekubhekiswe kuwo ngokwesolotyalo-7;
- “ubuncwane bezonxweme”** buthetha nayiphi indawo— 55
- (a) eligugu lenkcubeko kwiRiphabliki kummandla wonxweme, kuquka ingqumba yentsalela zamaqokobhe ezilwanyana zolwandle kunye nemigibe yemveli yokuloba; okanye
- (b) ummandla wonxweme oluncedo okanye onokuthi ubeluncedo ebantwini;
- “umda wobuyiselo-mva lonxweme”** uthetha umda omiswe nguMphathiswa wePhondo ngokwesolotyalo-25 ukuze kumiswe indawo apho uphuhliso luyakuthintelwa okanye luyakulawulwa khona ukuze kuphunyezwe injongo zalo Mthetho okanye iinjongo zolawulo lonxweme; 60

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- “**coastal protection zone**” means the coastal protection zone contemplated in section 17;
- “**coastal public property**” means coastal public property referred to in section 7;
- “**coastal resources**” means any part of—
- (a) the cultural heritage of the Republic within the coastal zone, including shell middens and traditional fish traps; or 5
 - (b) the coastal environment that is of actual or potential benefit to humans;
- “**coastal set-back line**” means a line determined by an MEC in accordance with section 25 in order to demarcate an area within which development will be prohibited or controlled in order to achieve the objects of this Act or coastal management objectives; 10
- “**coastal waters**” means—
- (a) marine waters that form part of the internal waters or territorial waters of the Republic referred to in sections 3 and 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), respectively; and 15
 - (b) subject to section 26, any estuary;
- “**coastal wetland**” means—
- (a) any wetland in the coastal zone; and
 - (b) includes—
 - (i) land adjacent to coastal waters that is regularly or periodically inundated by water, salt marshes, mangrove areas, inter-tidal sand and mud flats, marshes, and minor coastal streams regardless of whether they are of a saline, freshwater or brackish nature; and 20
 - (ii) the water, the subsoil and substrata beneath, and bed and banks of, any such wetland; 25
- “**coastal zone**” means the area comprising coastal public property, the coastal protection zone, coastal access land and coastal protected areas, the seashore, coastal waters and the exclusive economic zone and includes any aspect of the environment on, in, under and above such area;
- “**competent authority**” means a competent authority identified in terms of section 24C of the National Environmental Management Act; 30
- “**cultural heritage**” means any place or object of aesthetic, architectural, historical, scientific, social or spiritual value or significance;
- “**Department**” means the national department responsible for environmental affairs; 35
- “**development**”, in relation to a place, means any process initiated by a person to change the use, physical nature or appearance of that place, and includes—
- (a) the construction, erection, alteration, demolition or removal of a structure or building; 40
 - (b) a process to rezone, subdivide or consolidate land;
 - (c) changes to the existing or natural topography of the coastal zone; and
 - (d) the destruction or removal of indigenous or protected vegetation;
- “**Director-General**” means the Director-General of the Department;
- “**dumping at sea**” means—
- (a) any deliberate disposal into the sea of any waste or material other than operational waste from a vessel, aircraft, platform or other man-made structure at sea; 45
 - (b) any deliberate disposal into the sea of a vessel, aircraft, platform or other man-made structure at sea;
 - (c) any storage of any waste or other material on or in the seabed, its subsoil or substrata; or 50
 - (d) any abandonment or toppling at site of a platform or other structure at sea, for the sole purpose of deliberate disposal, but “dumping at sea” does not include—
 - (i) the lawful disposal at sea through sea out-fall pipelines of any waste or other material generated on land; 55
 - (ii) the lawful depositing of any substance or placing or abandoning of anything in the sea for a purpose other than mere disposal of it; or

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

“amanzi onxweme” kuthetha—

- (a) amanzi aselwandle ayinxalenye namanzi omhlaba okanye amanzi angaphakathi kwi-Riphabliki njengoko kukhankanyiwe kwisolotyala Ic-3 nele-4 kuMthetho woLawulo lweMimandla yoLwandle ka-1994 (uMthetho onguNom. 15 ka-1994); ngokulandelelanayo; kunye 5
- (b) naluphi na ichweba lomlambo; ngokwesolotyala la-26;

“umgxobhozo wonxweme”—

- (a) uthetha nawuphi na umhlaba omanzi kummandla wonxweme; kwaye
- (b) kuquka—
- (i) umhlaba omelene namanzi onxweme ogqunywa ngamanzi rhoqo okanye ngamaxeshana athile umgxobhozo wetyuwa, nendawo ezisisikhungathi, inlabathi yokuzala nokurhoxa kolwandle kunye nodaka oluthetyaba, umgxobhozo kunye nemilanjana yonxweme kungakhathaliseki nokuba yetyuwa, amanzi angengawolwandle okanye awetyuwa; kunye 10
- (ii) namanzi, umhlaba ongaphantsi kunye nesisekelo esingaphantsi, kunye nentsela nodonga, lwawo nawuphi na umgxobhozo wamanzi; 15

“ummandla wonxweme” uthetha indawo equka: ummandla wonxweme kawonke-wonke, ummandla okhuselweyo wonxweme, umhlaba ovumela ukusetyenziswa konxweme, kunye nendawo ezikhuselweyo zonxweme, unxweme, amanzi onxweme nendawo ekhethekileyo elungele ukusetyenziswa kwezoqoqosho iquka nantoni na kubume bendalo, kuyo, ngaphantsi nangaphezu kwalo ndawo; 20

“uyilo lokwahlulwa ngemimandla” luthetha uyilo:

- (a) olugcina ukumiswa kwendawo ukuze isetyenziswe ngokukhethekileyo okanye ngokweenjongo ezithile ngaphakathi kummandla wonxweme; 25
- (b) olunqanda okanye oluqingqa ukusetyenziswa kweendawo ngokuchasana ngokoyilo olu;

“igunya elifanelekileyo” lithetha igunya elifanelekileyo elikhankanywe ngokwesolotyala le-5 loMthetho weSizwe woLawulo lokusiNgqongileyo;

“igugu lenkcubeko” lithetha nayiphi indawo okanye into yobuhle, izakhiwo, ngokwembali, ezenzululwazi, ngokuhlala kunye okanye ixabiso ngokwezinqulo okanye ukubaluleka; 30

“iSebe” lithetha isebe lesizwe elimele imicimbi yezokusingqongileyo;

“uphuhliso” malunga nendawo, luthetha nayiphi inkqubo eqalwe ngumntu ofuna ukuguqula usetyenziso, ubume bendalo, okanye imbonakalo yalo ndawo, luphinda luquke; 35

- (a) ukwakha, ukumiswa, inguqulelo, ukuchitha, okanye ukususwa kwento okanye isakhiwo;
- (b) inkqubo yokwahlulwa kommandla kwakhona, ukwahlulwa okanye ukudityaniswa komhlaba; 40
- (c) utshintsho lwesakhiwo esesikhona okanye ubume bendalo yommandla wonxweme; kunye
- (d) nokuchithwa okanye ukususwa kwezityalo zemvelo yelizwe okanye ezikhuselekileyo ngokusemthethweni;

“uMlawuli-jikelele” uthetha uMlawuli-jikelele weSebe; 45

“ukulahla elwandle” kuthetha—

- (a) naluphi ulahlo lwezibi olwenziwe ngenjongo okanye nayiphi into elahlwa elwandle ngaphandle kobumdaka obenziwa kukuhamba kwenqanawa, inqwelo-moya, iqonga okanye isakhiwo esenziwe ngumntu elwandle;
- (b) naluphi ulahlo lobumdaka elwandle olwenziwa ngenjongo olusuka kwinqanawa, inqwelo-moya, iqonga okanye isakhiwo esenziwe ngumntu elwandle; 50
- (c) naluphi ugcino lobumdaka okanye nayiphi into ephezu okanye phakathi kwisiseko solwandle, umhlaba ongaphantsi kolwandle okanye umgangatho walo; okanye 55
- (d) naluphi ulahlo okanye uchitho lwezinto kwindawo okanye isakhiwo elwandle, ngesizathu sokulahla ngenjongo, kodwa ukulahla elwandle akuquki—
- (i) ukulahla okusethethweni kwako nakuphi ubumdaka ngemibhobho ukusuka emhlabeni ukuya elwandle 60
- (ii) ukushiywa kwento ngokwasemthethweni okanye ukufakwa kwento nayiphi ngaphakathi elwandle ngesizathu esisesinye ngaphandle kokulahla;

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (iii) disposing of or storing in the sea any tailings or other material from the bed or subsoil of coastal waters generated by the lawful exploration, exploitation and associated off-shore processing of mineral resources from the bed, subsoil or substrata of the sea;
- “dumping permit”** means a permit granted under section 71; 5
- “dynamic coastal processes”** means all natural processes continually reshaping the shoreline and near shore seabed and includes—
- (a) wind action;
- (b) wave action;
- (c) currents; 10
- (d) tidal action; and
- (e) river flows;
- “effluent”** means—
- (a) any liquid discharged into the coastal environment as waste, and includes any substance dissolved or suspended in the liquid; or 15
- (b) liquid which is a different temperature from the body of water into which it is being discharged;
- “environment”** means “environment” as defined in the National Environmental Management Act;
- “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; 20
- “estuary”** means a body of surface water—
- (a) that is part of a water course that is permanently or periodically open to the sea; 25
- (b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the water course is open to the sea; or
- (c) in respect of which the salinity is measurably higher as a result of the influence of the sea;
- “exclusive economic zone”** means the exclusive economic zone of the Republic referred to in section 7 of the Maritime Zones Act, 1994 (Act No. 15 of 1994); 30
- “Gazette”**, when used in relation to—
- (a) the Minister, means the *Government Gazette*;
- (b) the MEC, means the *Provincial Gazette*; and
- (c) a municipality, means the *Provincial Gazette* of the province in which the municipality is situated; 35
- “general authorisation”** means an authorisation under section 69(2); {
- “high-water mark”** means the highest line reached by coastal waters, but excluding any line reached as a result of—
- (a) exceptional or abnormal floods or storms that occur no more than once in ten 40 years; or
- (b) an estuary being closed to the sea;
- “incinerate at sea”** means the deliberate combustion of any material on board a vessel, platform or other man-made structure at sea for the purpose of disposing of it by thermal destruction, but does not include the combustion of operational waste 45 from a vessel, aircraft, platform or other man-made structure at sea;
- “interests of the whole community”** means the collective interests of the community determined by—
- (a) prioritising the collective interests in coastal public property of all persons living in the Republic over the interests of a particular group or sector of society; 50
- (b) adopting a long-term perspective that takes into account the interests of future generations in inheriting coastal public property and a coastal environment characterised by healthy and productive ecosystems and economic activities that are ecologically and socially sustainable; and 55
- (c) taking into account the interests of other living organisms that are dependent on the coastal environment;
- “issuing authority”** means the authority designated in terms of this Act to issue authorisations;
- “land development plan”** means any plan that is prepared or approved in terms of legislation regulating land development and that indicates the desirable uses for areas of land but does not create legal rights to use land; 60

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (iii) ukulahla okanye ukugcina elwandle intsalela okanye nayiphi into kwintsele yolwandle okanye umhlaba ongaphantsi kwamanzi onxweme ntoleyo edalwe kukuhlola, ukusebenzisa nogocagoco olwenziwayo ekuphononogeni izimbiwa kumhlaba ongaphantsi okanye kumgangatho ongaphantsi komnye elwandle; 5
- “imvume yokulahla”** ithetha imvume enikezwe phantsi kwesolotya la-71;
- “iinkqubo zeentshukumo zaselunxwemeni”** zithetha zonke intshukumo eziqhubekayo ngokwendalo ezithi zikhokhelele ekutshintshatshintsheni kobume bonxweme nesiseko saso. Oku kuquka:
- (a) Intshukumo yomoya; 10
- (b) Intshukumo yamaza;
- (c) Umsinga;
- (d) Intshukumo yokuzala nokurhoxa kwamaza;
- (e) Ukuhamba komlambo;
- “ulwelo olungcolileyo”** uthetha— 15
- (a) nayiphi na into emanzi ekukungcola ethi ilahlwe elunxwemeni kuquka nayiphi into enyibilikiswe okanye ephakathi kulo nto imanzi;
- (b) amanzi anobushushu obohlukileyo kulawo alahlwa kuwo;
- “okusingqongileyo”** kuthetha “okusingqongileyo” njengoko kuxeliwe kuMthetho wokusiNgqongileyo kaZwelonke; 20
- “isigunyaziso sokusingqongileyo”** sisigunyaziso esinikwe mayela nemisebenzi yaselunxwemeni sikhutshwa ligunya elifanelekileyo ngokweSahluko 5 se*National Environmental Management Act*;
- “ichweba”** lithetha umzimba wamanzi angaphezulu athe—
- (a) ayinxalenye yemijelo yamanzi ngokusisigxina okanye ngamaxesha athile avulekela elwandle; kwaye 25
- (b) apho unyuka nokwehla kwamanzi kunokulinganiswa ngenxa yokuzala nokurhoxa kolwandle xa indlela yamanzi ivulekela elwandle; okanye
- (c) ubutyuwa bungalinganiselwa phezulu ngenxa yempembelelo yolwandle;
- “indawo ekhethekileyo yezoqoqosho”** ithetha indawo ekhethekileyo nelungele ukusetyenziswa kwezoqoqosho kwiRiphabliki ngokuxelwe kwisolotya le-7 loMthetho weMimandla yoLwandle, ka-1994 (uMthetho onguNom. 15 ka-1994); **“IGazethi”**, xa isetyenziswa malunga no—
- (a) Mphathiswa, ithetha *iGazethi kaRhulumente*;
- (b) Mphathiswa wePhondo, ithetha *iGazethi yePhondo*; kunye 35
- (c) nomasipala, ithetha *iGazethi yePhondo* kwelophondo umasipala akulo;
- “ugunyaziso jikelele”** luthetha ukungunyazisa ngokwesolotya la-69(2)
- “udini lwamanzi”** luthetha elona nqanaba liphezulu lakhe lafikelelwa ngamanzi onxweme kodwa ayiquki umgca ofikelekileyo ngenxa—
- (a) yemeko engaqhelekanga okanye izikhukula ezingaqhelekanga okanye isiphango esenzeka kanye eminyakeni elishumi; okanye 40
- (b) yechweba elivalekileyo ukungena elwandle;
- “ukutshiswa elwandle”** kuthetha ukutshiswa kwento ngenjongo kwinqanawa ehambayo, eqongeni okanye isakhiwo esenziwe ngumntu elwandle ngesizathu sokulahlwa kwalo nto ngokuyishisa, kodwa ingadibanisi ukutshiswa kwezinto eziyimiphumela yokusebenza kwenqanawe, kwenqwelo-moya, kweqonga okanye kwezakhiwo ezenziwe ngumntu elwandle; 45
- “iimfuno zoluntu lonke”** kuthetha ingqokelela yezinto izingumndla kuluntu ngokuqingqwa koku—
- (a) uhlehlengiso lwezinto izingumqoka kwimfuno zabantu bonke kummandla wonxweme kawonkewonke kwiRiphabliki ngaphezu kwemfuno zoluntu oluthile okanye icandelo elithile labantu; 50
- (b) ukwamkelwa kombono wexesha elide othi ucingela amalungelo esizukulwana esizayo ukuze sifumane ilifa lommandla wonxweme loluntu lonke kunye nommandla wonxweme ophawulwa yimpilo nemveliso yokusebenzisana kwendalo kunye nezenzo zoqoqosho ezihambelana nokusebenza kwendalo nangezinto zokuhlala; kunye 55
- (c) nokuthatyathelwa ingqalelo kwamalungelo ezinye izinto eziphilayo ezixhomekeke kummandla wonxweme;
- “ukutshwa kwesigunyaziso”** kuthetha isigunyaziso esonyuliweyo ukunikeza isigunyaziso ngokwalo Mthetho; 60
- “isicwangciso sophuhliso lomhlaba”** sithetha nasiphi na isicwangciso esilungiselelwe okanye esivunyiweyo ngokwemimiselo yomthetho elawula

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- “**Land Survey Act**” means the Land Survey Act, 1997 (Act No. 8 of 1997);
- “**land use scheme**”, in relation to an area, means a scheme established by or under legislation and that creates or regulates the use of land in that area, and includes a land use scheme, a town planning scheme, a zoning scheme and any other similar instrument that identifies or regulates rights to use land; 5
- “**littoral active zone**” means any land forming part of, or adjacent to, the seashore that is—
- (a) unstable and dynamic as a result of natural processes; and
- (b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which is either 10
unvegetated or only partially vegetated;
- “**local community**” means any community of people living, or having rights or interests, in a distinct geographical area within the coastal zone;
- “**low-water mark**” means the lowest line to which coastal waters recede during spring tides; 15
- “**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);
- “**MEC**” means the member of the Executive Council of a coastal province who is responsible for the designated provincial lead agency in terms of this Act;
- “**Minister**” means the Minister of Environmental Affairs and Tourism; 20
- “**municipality**”—
- (a) means a metropolitan, district or local municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); or
- (b) in relation to the implementation of a provision of this Act in an area which falls within both a local municipality and a district municipality, means— 25
(i) the district municipality; or
(ii) the local municipality, if the district municipality, by agreement with the local municipality, has assigned the implementation of that provision in that area to the local municipality;
- “**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); 30
- “**National Environmental Management Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- “**national estuarine management protocol**” means the national protocol concerning the management of estuaries contemplated in section 33; 35
- “**National Water Act**” means the National Water Act, 1998 (Act No. 36 of 1998);
- “**operational waste**”—
- (a) means any waste or other material that is incidental to, or derived from, the normal operation of a vessel, aircraft, platform or other man-made structure and its equipment; and 40
- (b) excludes any waste or other material that is transported by or to a vessel, aircraft, platform or other man-made structure which is operated for the purpose of disposing of that waste or other material, including any substances derived from treating it on board, at sea;
- “**organ of state**” has the meaning assigned to it in section 239 of the Constitution; 45
- “**pollution**” has the meaning assigned to it in section 1 of the National Environmental Management Act;
- “**prescribe**” means prescribe by regulation;
- “**protected area**” means a protected area referred to in section 9 of the Protected Areas Act; 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- uphuhliso lomhlaba nolubonisa ukusetyenziswa okufunekayo kulo ndawo kodwa okungenanto yokwenza malungelo nomthetho wamalungelungelo omhlaba;
- “uMthetho wokuHlolwa koMhlaba”** uthetha ukuhlolwa komhlaba ngokoMthetho wokuHlolwa koMhlaba ka-1997 (uMthetho onguNom. 8 ka-1997); 5
- “uyilo lokusetyenziswa komhlaba”**, malunga nendawo, luthetha uyilo oluqalwe okanye oluphantsi komthetho kwaye ludala okanye lulawula ukusetyenziswa komhlaba kulo ndawo kwaye luquka uyilo lokusetyenziswa komhlaba, ulungiselelo loyilo lwedolophu, uyilo lommandla naso nasiphi isixhobo esichonga okanye esilawula amalungelo okusetyenziswa komhlaba;
- “ummandla wentshukumo elunxwemeni”** uthetha nayiphi indawo eyenza umhlaba, okanye eyayamene nomhlaba wolwandle ethi— 10
- (a) ingabinasizinzo kwaye inentshukumo ngenxa yenguqulelo zendalo; kwaye futhi
- (b) ibonakaliswa ziinduli, ngumhlaba oyintlabathi ephangaleleyo, iingqumba zentlabathi kunye nezinye iinduli zomhlaba ezenziwe ngumhlaba 15
 ongabumbananga, amatye okanye nayiphi na into engagqunywanga luhlaza okanye engaqunywanga ngokupheleleyo;
- “uluntu lasekuhlaleni”** luthetha naluphi uluntu oluhlala endaweni, olunamalungelo okanye izidingo kulo ndawo ikhethekileyo elunxwemeni;
- “iqondo lamanzi elisezantsi”** lithetha elona zinga lisezantsi elifikelelwa ngamanzi onxweme ngexesha lokurhoxa kwananzi olwandle; 20
- “UMthetho Wezinto eziphilayo eLwandle”** uthetha uMthetho weziNto eziPhilayo zaseLwandle ka-1998 (uMthetho onguNom. 18 ka-1998);
- “uMphathiswa wePhondo”** uthetha ilungu leBhunga elilawulayo eliPhezulu lephondo eliphethe isithunywa esikhokheleyo ePhondweni ngokwalo Mthetho; 25
- “uMphathiswa”** uthetha uMphathiswa wezokusiNgqongileyo noKhenketho; **“umasipala”**—
- (a) uthetha umasipala ombaxa, wesithili okanye wasekhaya ngoko omiswe ngokwemimiselo yoMthetho woRhulumente baseKhaya: uMthetho wezaKhiwo zikaMasipala ka-1998 (uMthetho onguNom. 117 ka-1998); 30
 okanye
- (b) ngokumalunga nokuzalisekisa ulungiselelo lwalo Mthetho kummandla ophantsi kukamasipala wasekhaya kunye nomasipala wesithili, uthetha—
- (i) umasipala wesithili; okanye
- (ii) umasipala wasekhaya, ukuba umasipala wesithili, ngokuvumelana nomasipala wasekhaya, unikezele ukuphungezwa kwelo soloty kulo ndawo kamasipala wasekhaya; 35
- “uMthetho weSixokelelwano kaMasipala”** uthetha uMthetho woRhulumente baseKhaya: uMthetho weSixokelelwano kaMasipala ka-2000 (uMthetho onguNom. 32 ka-2000); 40
- “uMthetho weSizwe woLawulo lokusiNgqongileyo”** uthetha uMthetho weSizwe woLawulo lokusiNgqongileyo ka-1998 (uMthetho onguNom. 107 ka-1998);
- “Umgqaqo wesizwe wolawulo lwamachweba”** uthetha umgaqo wesizwe omalunga nokulawulwa kwamachweba ngokuchazwe kwisoloty la-33; 45
- “uMthetho wesizwe wamanzi”** uthetha umthetho wesizwe wamanzi, ka-1998 (uMthetho onguNom. 36 ka-1998);
- “ubumdaka obudaleka xa kusetyenzwa”**—
- (a) kuthetha naluphi na ungcoliseko okanye into ethi yenzeke ekusebenzeni kwenqanawa, inqwelo-moya, iqonga okanye esinye isakhiwo esenzwe ngumntu kunye nesosixhobo; 50
- (b) ayiquki naluphi ungcoliseko okanye enye into chanjiswa ngo- okanye esiwa kwinqanawa, kwinqwelo-moya, indawo okanye esinye isakhiwo esenzwe ngumntu esetyenziselwa ukulahla ukungcola okanye ezinye izinto, kuquka naluphi ungcoliseko olusuka ekubhilwabilweni ngaphakathi kwinqanawo, elwandle; 55
- “umbutho waseburhulumenteni”** unenkcazelo ebhekiswe kuwo kwisoloty la-239 loMgaqo-siseko;
- “ungcoliseko”** lunenkcazelo efanayo echazwe kwisoloty lo-1 loMthetho weSizwe woLawulo lokusiNgqongileyo; 60
- “ukumisa”** kuthetha ukumiswa ngokomthetho;
- “indawo ekhuselweyo”** ithetha indawo ekhuselweyo echazwe kwisoloty la-9 loMthetho weNdawo eziKhuselweyo;

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- “**Protected Areas Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- “**provincial lead agency**” means a provincial organ of state designated by the Premier of the province in terms of section 38 as the lead agency for coastal management in the province; 5
- “**sea**” means all marine waters, including—
- (a) the high seas;
 - (b) all marine waters under the jurisdiction of any state; and
 - (c) the bed, subsoil and substrata beneath those waters, but does not include estuaries; 10
- “**seashore**”, subject to section 26, means the area between the low-water mark and the high-water mark;
- “**South African aircraft**” means any aircraft registered in the Republic in terms of applicable legislation;
- “**South African vessel**” means any vessel registered or deemed to be registered in the Republic in terms of applicable legislation; 15
- “**special management area**” means an area declared as such in terms of section 23;
- “**this Act**” includes any regulation made in terms of this Act;
- “**traditional council**” means a traditional council established and recognised in terms of section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003); 20
- “**vessel**” means a waterborne craft of any kind, whether self-propelled or not, but does not include any moored floating structure that is not used as a means of transport by water; 25
- “**waste**” means any substance, whether or not that substance can be re-used, recycled or recovered—
- (i) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
 - (ii) that the generator has no further use of, for the purposes of production, reprocessing or consumption; and 30
 - (iii) that is discharged or deposited in a manner that may detrimentally impact on the environment;
- “**Waste Assessment Guidelines**” means the guidelines set out in Schedule 2; and
- “**wetland**” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil. 35
- (2) In this Act, a word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates otherwise.

Objects of Act 40

2. The objects of this Act are—
- (a) to determine the coastal zone of the Republic;
 - (b) to provide, within the framework of the National Environmental Management Act, for the co-ordinated and integrated management of the coastal zone by all spheres of government in accordance with the principles of co-operative governance; 45
 - (c) to preserve, protect, extend and enhance the status of coastal public property as being held in trust by the State on behalf of all South Africans, including future generations;
 - (d) to secure equitable access to the opportunities and benefits of coastal public property; and 50
 - (e) to give effect to the Republic’s obligations in terms of international law regarding coastal management and the marine environment.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- “uMthetho weeNdawo eziKhuselweyo”** uthetha uLawulo lweSizwe lokusiNgqongileyo: uMthetho weeNdawo eziKhuselckileyo, 2003 (uMthetho onguNom. 57 ka 2003);
- “i-arhente ekhokhelayo ephondweni”** ithetha umbutho waseburhulumenteno wephondo elityunjwe yiNkulumbuso yephondo ngokwesolotyala-38 nje ngesithunywa esiphambili solawulo lonxweme kwiphondo; 5
- “ulwandle”** luthetha onke amanzi aselwandle, kuquka—
- (a) ulwandle olungckufuphi nomhlaba;
- (b) onke amanzi olwandle aphantsi kolawulo lwaso nasiphi na isizwe, kunye
- (c) nentsele yolwandle, umhlaba wangaphantsi kunye nomgangatho ophantsi komnye ngaphantsi kwalomanzi, kodwa oko akuwaquki amachweba; 10
- “unxweme”**, ngokumalunga nesolotyala-26, luthetha indawo ephakathi kweqondo lamanzi olwandle eliscezantsi kunye neqondo eliphezulu;
- “inqwelo-moya yaseMzantsi Afrika”** ithetha nayiphi inqwelo-moya ebhaliswe kwiRiphabliki ngokomthetho osetyenziswayo; 15
- “inqanawa yoMzantsi Afrika”** ithetha nayiphi inqanawa ebhaliswe okanye ethatyathwa ngokuba ibhaliswe ezincwadini zeRiphabliki ngokomthetho osetyenziswayo;
- “indawo yolawulo olulodwa”** ithetha indawo eyazisiweyo ngokunjalo ngokwesolotyala-23; 20
- “lo Mthetho”** uquka nawuphi na ummiselo owenziwe phantsi kwalo Mthetho;
- “ibhunga lamasiko”** lithetha ibhunga lamasiko elenziweyo lamkelwa phantsi kwesolotyala-3 loMthetho weNkqubo-sikhokelo noLawulo lweNkohloli zeMveli, ka-2003 (uMthetho onguNom. 41 ka-2003);
- “inqanawa”** ithetha inqanawa ehamba emanzini yalo naluphi uhlobo, nokuba iyaziqhuba okanye ayiziqhubi, kodwa ayiquki isakhiwo esibophelelwe enqanaweni engasetyenziswa njengento enokuhambisa into ngamanzi; 25
- “ubumdaka”** buthetha nayiphi na into, nokuba lo nto ingaphinda isetyenziswe okanye hayi, ilungiswe ukuze iphinde isetyenziswe okanye iphinde ifumaneki—
- (i) iyintsalela, iyinto engafunekiyo, ilahliwe, iyekiwe njengento engahoyekanga; 30
- (ii) nokuba umatshini wokwenza izinto awusasebenzi ngokwemveliso;
- (iii) iyakhutshwa okanye ibekwa ngendlela apho inokuthi yonakalise okusingqongileyo;
- “iMigaqo yoPhononongo loBumdaka”** ithetha imigaqo echazwe kuluhlu lwe-2;
- “umgxobhozo”** uthetha umhlaba ofumaneka phakathi kokutshintsha komhlaba nendawo yamanzi apho indawo egcina amanzi omhlaba ingaphezulu komhlaba okanye ikufuphu nomphezulu okanye uthi ngamaxesha athile ugqumakale ngamanzi ube nomhlaba lowo phantsi kwemeko eziqhelekileyo usoloko uxhasa izityalo eziqhelene nomhlaba ohlala umanzi. 35
- (2) Kulo mthetho, igama okanye ingcaciso evela kwigama okanye ingcaciso ecaciswe kwisolotyana lo-(1) line nkcazelo ehambisana nayo ngaphandle kokuba kunikwe inkcazelo eyenye. 40

Iinjongo zalo Mthetho

2. Iinjongo zalo Mthetho zezi—
- (a) ukumisela ummandla wonxweme weRiphabliki; 45
- (b) ukubonelela, ngokomgaqo-sikhokelo woMthetho weSizwe woLawulo lokusiNgqongileyo, ulawulo oluhlanganayo noludibeneyo lommandla wonxweme ngamazinga onke karhulumente ngokwemigaqo-nkqubo yolawulo lokusebenzisana;
- (c) ukugcina, ukukhusela, ukongeza nokomeleza isimo somhlaba woluntu lonke elunxwemeni njengoko igcinwe ngurhulumente egameni loluntu lonke laseMzantsi Afrika, kuquka nezizukulwana zexesha elizayo; 50
- (d) ukuqinisekisa amathuba alinganayo nenzuzo elinganayo malunga nommandla wonxweme kawonke wonke; kunye
- (e) nokunika intsingiselo kwizinyanzeliso zeRiphabliki ngokwemithetho yamazwe ngamazwe malunga nolawulo lonxweme kunye nemo engqonge ulwandle. 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

State's duty to fulfil environmental rights in coastal environment

3. In fulfilling the rights contained in section 24 of the Constitution of the Republic of South Africa, the State—

- (a) through its functionaries and institutions implementing this Act, must act as the trustee of the coastal zone; and 5
- (b) must, in implementing this Act, take reasonable measures to achieve the progressive realisation of those rights in the interests of every person.

Application of Act

4. (1) This Act applies to the Republic, including—

- (a) its internal waters, territorial waters, exclusive economic zone and continental shelf as described in the Maritime Zones Act, 1994 (Act No. 15 of 1994); and 10
- (b) the Prince Edward Islands referred to in the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).

(2) A provision of this Act which relates to dumping and incineration at sea applies to South African aircraft and vessels also when outside the Republic. 15

Application of National Environmental Management Act

5. (1) This Act must, in relation to coastal management, be read, interpreted and applied in conjunction with the National Environmental Management Act.

(2) This Act must be regarded as a “specific environmental management Act” as defined in section 1 of the National Environmental Management Act. 20

(3) Chapter 4 of the National Environmental Management Act applies to the resolution of conflicts arising from the implementation of this Act.

Conflicts with other legislation

6. (1) If there is a conflict relating to coastal management between a section of this Act and any other legislation existing when this Act takes effect, the section of this Act prevails. 25

(2) A provision contained in this Act or the National Environmental Management Act, or in regulations made or authorisations issued under either Act, prevails if there is a conflict between that provision and a provision contained in regulations or in an authorisation that has been saved in terms of section 99. 30

(3) Draft national legislation directly or indirectly amending this Act, or providing for the enactment of subordinate legislation that may conflict with this Act, may be introduced in Parliament—

- (a) by the Minister only; or
- (b) only after the Minister has been consulted on the contents of the draft legislation. 35

CHAPTER 2

COASTAL ZONE

Part 1

Coastal public property 40

Composition of coastal public property

7. Coastal public property consists of—

Umsebenzi karhulumente wokuphumeza amalungelo kwimo engonge amanxweme

3. Ekuphumezeni amalungelo aqulethwe kwisolotyala-24 loMgaqosiseko weRiphabliki yaseMzantsi Afrika, uRhulumente—
- (a) ngamagosa akhe namaziko aphumeza lo Mthetho, kufuneka asebenze njengabathenjwa bommandla wonxweme; kwaye 5
- (b) kufuneka, xa ephumeza lo Mthetho, athathe amanyathelo afanelekileyo ukuphumeza ukuqondakala okuncnkqubela kwaloo amalungelo ngokusemdleni wakhe wonke ubani.

Ukusetyenziswa koMthetho 10

4. (1) Lo Mthetho usebenza kwiRiphabliki, kuquka—
- (a) amanzi ayo angaphakathi, amanzi elizwe, awommandla wendawo yezoqo-qosho ekhethekileyo, nethala lesizwe ngokubanzi njengokuba kuchaziwe kuMthetho weMimandla yoLwandle, ka-1994 (uMthetho onguNom. 15 ka-1994), kunye 15
- (b) neZiqithi zika-Prince Edward ezichazwe kuMthetho weZiqithi zikaPrince Edward, ka-1948 (uMthetho onguNom. 43 ka-1948).
- (2) Ulungiselelo lalo Mthetho ngokuphathelile ekulahleni nasekutshiseni elwandle kusebenza kwiinqwelomoya zaseMzantsi Afrika nakwiinqanawa ngokunjalo naxa kungaphandle kwiRiphabliki. 20

Ukusetyenziswa koMthetho weSizwe woLawulo lokusiNgqongileyo

5. (1) Lo Mthetho kufuneka, ngokumalunga nolawulo lonxweme ufundwe, ucaciswe usetyenziswe kunye noMthetho weSizwe woLawulo lokusiNgqongileyo.
- (2) Lo Mthetho kufuneka uthathwe “njengoMthetho ojongene nolawulo oluthe ngqo lokusingqongileyo” njengoko kucacisiwe kwisolotyala lo-1 loMthetho weSizwe woLawulo lokusiNgqongileyo. 25
- (3) Isahluko se-4 soMthetho weSizwe woLawulo lokusiNgqongileyo sisebenza ngosonjululo lweengxabano ezivela ekuphunyezweni kwalo Mthetho.

Ukukhabana neminye imithetho ewisiweyo

6. (1) Ukuba ekulawulweni konxweme kukho ukukhabana phakathi kwisolotyala lalo Mthetho kunye nomnye uMthetho osele ukhona, isolotyala lalo Mthetho lilo elisebenzayo. 30
- (2) Ulungiselelo oluqulethwe kulo Mthetho, okanye uMthetho weSizwe woLawulo lokusiNgqongileyo, okanye kwimimiselo eyenziweyo okanye izigunyaziso ezekhutshwe phantsi komnye wale Mithetho, luya kusebenza ukuba kukho ungqzulwano phakathi kolo lungiselelo nolungiselelo oluqulethwe kwimimiselo okanye isigunyaziso esigcinwe ngokwesolotyala la-99. 35
- (3) Imithetho yesizwe equlunqwayo ethi ichaphazele utshintsho lwalo Mthetho ngokuthengqo okanye ngezinye indlela, okanye ethi elungiselele ukuphunyezwa kweMithetho engamahlomela enokuthi ingqzulane nalo Mthetho, ingasiwa ePalamente— 40
- (a) nguMphathiswa kuphela; okanye
- (b) emva kokuba kubonisekile noMphathiswa ngokuqulethwe ngoMthetho lowo iqulunqwayo.

ISAHLUKO 2 45**UMMANDLA WONXWEME****Indima yo-1:****Umandla wonxweme kawonkewonke****Ukwakheka kommandla wonxweme kawonkewonke**

7. Umandla wonxweme kawonkewonke wenziwe— 50

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (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; 5
- (c) any island, whether natural or artificial, within coastal waters, but excluding—
 - (i) any part of an island that was lawfully alienated before this Act commenced; or
 - (ii) any part of an artificially created island (other than the seashore of that island) that is proclaimed by the Minister to be excluded from coastal public property; 10
- (d) the seashore, but excluding—
 - (i) 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; and 15
 - (ii) any portion of a coastal cliff that was lawfully alienated before this Act took effect and is not owned by the State;
- (e) the seashore of a privately owned island within coastal waters; 20
- (f) any admiralty reserve owned by the State;
- (g) any state-owned land declared under section 8 to be coastal public property; or
- (h) any natural resources on or in—
 - (i) any coastal public property of a category mentioned in paragraph (a) to (g); 25
 - (ii) the exclusive economic zone, or in or on the continental shelf as contemplated in sections 7 and 8 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), respectively; or
 - (iii) any harbour, work or other installation on or in any coastal public property of a category mentioned in paragraphs (a) to (h) that is owned by an organ of state. 30

Extending coastal public property

- 8.** (1) The Minister may, by notice in the *Gazette*, declare in the manner contemplated in subsection (2) any state-owned land as coastal public property in order—
- (a) to improve public access to the seashore; 35
 - (b) to protect sensitive coastal ecosystems;
 - (c) to secure the natural functioning of dynamic coastal processes;
 - (d) to facilitate the achievement of any of the objects of this Act; or
 - (e) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise. 40
- (2) Before declaring state-owned land as coastal public property in terms of subsection (1), the Minister must—
- (a) consult with interested and affected parties; and
 - (b) obtain the concurrence of the Minister, or of the MEC of the province, responsible for managing that state-owned land. 45
- (3) The declaration of state-owned land as coastal public property in terms of subsection (1) may only be withdrawn by the Minister by notice in the *Gazette* with the prior approval of Parliament.
- (4) This section does not affect the application of section 26.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) ngamanzi onxweme;
- (b) ngumhlaba ontywiliselwe ngamanzi onxweme, kuquka—
- (i) umhlaba ozaliswe ngamanzi onxweme othi ube yinxalenye yentsele yamanzi onxweme; kunye
- (ii) nomhlaba ongaphantsi kwalo mhlaba; 5
- (c) nasiphi na isiqithi, nokuba senzeka ngokwendalo okanye senziwe ngumntu, ngaphakathi kwamanzi onxweme, kodwa kungaquki:
- (i) nayiphi na indawo yesiqithi ekwanikezelwa ngayo ngokusemthethweni ngaphambi kokuqala kwalo Mthetho; okanye
- (ii) nayiphi na inxalenye yesiqithi esidalwe ngumntu (ngaphandle 10
konxweme lweso siqithi) esikhankanywe nguMphathiswa ukuba asiyonxalenye yommandla wonxweme kawonkewonke;
- (d) unxweme, kodwa kungaquki—
- (i) nayiphi na indawo yonxweme engaphantsi kodini lwamanzi elahluthwa ubumnini ngokusemthethweni phambi koMthetho woNxweme, ka-1935 15
(uMthetho onguNom. 21 ka-1935), osetyenziswe okanye ohluthwe ubumnini ngokusemthethweni phantsi kwalo Mthetho kwaye nongekadityaniswa kunxweme, kunye
- (ii) nayo nayiphi na inxalenye yeliwa lonxweme elihluthwe ubumnini ngokusemthethweni phambi kokuba lo Mthetho usetyenziswe kwaye 20
ungengokarhulumente;
- (e) unxweme lwesiqithi esinomnini walo ngaphakathi kwamanzi onxweme;
- (f) naliphi na isebe eliphethe iinqanawa eliphethwe nguRhulumente;
- (g) nawuphi na umhlaba olawulwa ngurhulumente ochazwe phantsi kwesolotyana le-8 ukuze ube ngumhlaba wonxweme kawonkewonke; 25
- (h) nabuphi na ubutyebi bendalo kuwo okanye ngaphakathi—
- (i) ummandla wezoqoqosho okhethekileyo, kuwo okanye ngaphakathi okanye ithala lezezizwe, njengoko kucwangciswe kwisolotyana le-7 nele-8 loMthetho woMmandla yoLwandle, ka-1994 (uMthetho onguNom. 15 30
ka-1994);
- (ii) naliphi na izibuko, umsebenzi okanye olunye ufakelo okanye nakuwuphi na ummandla wonxweme kawonkewonke okhankanywe kwimihlathi (a) ukuya (h) elilelombutho waseburhulumenteni;
- (iii) naliphi na izibuko, umsebenzi okanye nayiphi na into kunxweme loluntu oluwela ngaphantsi kodidi olukhankanywe kwisiqendu (a) ukuya ku-(h) 35
olumnini walo ulicandelo likarhulumente.

Ummandla wonxweme kawonkewonke onatyisiweyo

8. (1) UMphathiswa angathi, azise ngesibhengezo kwiPhepha-ndaba loMbuso, njengoko kucamngcwe kwisolotyana le-2, nawuphi na umhlaba ophethwe ngurhulumente njengommandla wonxweme kawonkewonke khona ukuze— 40
- (a) kuphuculwe ukufikelela koluntu kunxweme;
- (b) kukhuselwe ummandla obuthathathaka wonxweme;
- (c) kukhuselwe ukusebenza kweenkqubo zendalo yonxweme;
- (d) kwenziwe lula impumezo yazo naziphi na iinjongo zalo Mthetho; okanye
- (e) kukhuselwe abantu, impahla nemisebenzi yezoqoqosho kwimingcipheko 45
evela kwiinkqubo eziguququkayo zonxweme, kubandakanywa umngcipheko wokunyuka komgangatho wolwandle.
- (2) Phambi kokuba kubhengezwe umhlaba ophethwe ngurhulumente ukuba ngummandla wonxweme kawonkewonke ngokwemimiselo yesolotyana lo-(1), uMphathiswa kufuneka— 50
- (a) athethisane namalungu anomdla nachaphazelekayo; kwaye
- (b) azuze imvumelwano yelungu leKhabhinethi, okanye uMphathiswa wePhondo, onoxanduva lokulawula loo mhlaba ungokarhulumente.
- (3) Ukubhengezwa komhlaba ophethwe ngurhulumente ukuba ngummandla wonxweme kawonkewonke ngokwesolotyana lo-(1) kungarhoxiswa nguMphathiswa 55
kuphela ngokwephepha-ndaba lombuso ngemvume yePalamente.
- (4) Eli solotyana alichaphazeli ukusetyenziswa kwesolotyana la-26.

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

Acquisition of private land by State

9. (1) The Minister, acting with the concurrence of the Minister of Land Affairs, may acquire private land for the purpose of declaring that land as coastal public property, by—

- (a) purchasing the land; 5
- (b) exchanging the land for other land; or
- (c) if no agreement is reached with the owner, by expropriating the land in accordance with the Expropriation Act, 1975 (Act No. 63 of 1975).

(2) Land may be acquired in terms of this section only if it is being expropriated for a purpose set out in section 8(1). 10

Designation of state-owned land for certain purposes

10. (1) The Minister may, by notice in the *Gazette*—

- (a) designate state-owned land vested in the national government for the purpose of facilitating any of the matters mentioned in section 8(1); or
- (b) at any time withdraw a designation in terms of paragraph (a) by following the process described in subsection (2). 15

(2) Before designating state-owned land in terms of subsection (1)(a) or withdrawing a designation in terms of subsection (1)(b) the Minister must—

- (a) consult the MEC of the province concerned;
- (b) consult the persons responsible for managing the state-owned land and interested and affected parties in terms of Part 5 of Chapter 6; and 20
- (c) obtain the concurrence of the Minister responsible for managing that state-owned land.

(3) The MEC may, by notice in the *Gazette*—

- (a) designate state-owned land vested in the provincial government for the purpose of facilitating any of the matters mentioned in section 8(1); or 25
- (b) at any time withdraw a designation in terms of paragraph (a) in the manner contemplated in subsection (4).

(4) Before designating state-owned land in terms of subsection (3)(a) or withdrawing a designation in terms of subsection (3)(b) the MEC must— 30

- (a) consult the Minister;
- (b) consult the persons responsible for managing the state-owned land and interested and affected parties in terms of Part 5 of Chapter 6; and
- (c) obtain the concurrence of the MEC responsible for managing that state-owned land. 35

(5) State-owned land designated in terms of subsection (1)(a) or (3)(a) must be regarded as coastal public property.

Ownership of coastal public property

11. (1) The ownership of coastal public property vests in the citizens of the Republic and coastal public property must be held in trust by the State on behalf of the citizens of the Republic. 40

(2) Coastal public property is inalienable and cannot be sold, attached or acquired by prescription and rights over it cannot be acquired by prescription.

State public trustee of coastal public property

12. The State, in its capacity as the public trustee of all coastal public property, must— 45

- (a) ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the whole community; and

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

Ukufunyanwa komhlaba wabucala ngurhulumente

9. (1) UMphathiswa, ngokwenza ngokuvumelana noMphathiswa wezoLimo neMicimbi yezeMihlaba, angafumana umhlaba wabucala ngenjongo zokwazisa lo mhlaba njengommandla wonxweme kawonkewonke, ngo—
- (a) kuthenga umhlaba; 5
 - (b) tshintshiselwano lomhlaba ngomye umhlaba; okanye
 - (c) ukuba akukho sivumelwano sifumanekayo nomniniwo, ngokuwuhlutha ngokuhambelana noMthetho wokuHluthwa, 1975 (uMthetho onguNom. 63 ka-1975).
- (2) Umhlaba ungafumaneka ngokwemimiselo yeli solotya kuphela xa uhluthwe ngenjongo cyandlalwe kwisolotya le-8. 10

Ukunywulwa komhlaba kaRhulumente ngeenjongo ezithile

10. (1) UMphathiswa unako ukuthi, ngokusebenzisa iphepha-ndaba lombuso—
- (a) onyule umhlaba ophethwe ngurhulumente osezandleni zikarhulumente wesizwe ngezizathu zokwenza lula imicimbi echazwe kwisolotya le-8(1); okanye 15
 - (b) nangaliphi na ixesha unokurhoxisa unyulo ngokomhlathi (a).
- (2) Phambi kokunyula umhlaba ophethwe ngurhulumente ngokwesolotyana lo-(1)(a) okanye ukurhoxisa unyulo ngokwesolotyana lo-(1)(b) uMphathiswa kufuneka—
- (a) athethisane noMphathiswa wePhondo elibandanyekayo; 20
 - (b) athethisane nabantu abaphethe ulawulo lwemihlaba ephethwe ngurhulumente kunye namalungu anomdla nachaphazelekayo ngokweNdima ye-5 yeSahluko 6; aze
 - (c) afumane isivumelwano soMphathiswa ophathelene ulawulo lwalo mhlaba ungoKarhulumente. 25
- (3) UMphathiswa wePhondo unakho ukuthi, ngesaziso kwiphepha-ndaba lombuso—
- (a) onyule umhlaba ophethwe ngurhulumente osezandleni zikarhulumente wephondo ngezizathu zokwenza lula imicimbi ezichazwe kwisolotya le-8(1); okanye
 - (b) nangaliphi ixesha arhoxise unyulo ngokwemimiselo yomhlathi (a) ngokwendlela ekucamngcwe ngayo kwisolotyana le-(4). 30
- (4) Phambi kokunywulwa komhlaba ophethwe ngurhulumente ngokwesolotyana le-(3)(a) okanye ukurhoxisa unyulo ngokwesolotyana le-(3)(b) uMphathiswa wePhondo kufuneka—
- (a) athethisane noMphathiswa; 35
 - (b) athethisane nabantu abaphethe ulawulo lwemihlaba ephethwe ngurhulumente kunye namalungu anomdla nachaphazelekayo ngokwesolotyana la-53; aze
 - (c) afumane isivumelwano soMphathiswa wePhondo ojongene nolawulo lomhlaba ophethwe ngurhulumente.
- (5) Umhlaba ophethwe ngurhulumente owonyulwe ngokwesolotyana lo-(1)(a) okanye le-(3)(a) kufuneka lithathwe njengommandla wonxweme kawonkewonke. 40

Ubumnini bommandla wonxweme kawonkewonke

11. (1) Ubumnini bommandla wonxweme kawonkewonke busezandleni zabantu beRiphabliki kwaye ummandla wonxweme kawonkewonke kufuneka uphathwe ngobunono ngurhulumente egameni labantu beRiphabliki. 45
- (2) Ummandla wonxweme kawonkewonke ukukhethelwa bucala kwenye kwaye awunakuthengiswa, ungenakuqhutyoshelwa, okanye ufunyanwe ngokumiselwa kanti angamalungelo awo awanakufunyanwe ngokumiselwa.

Umthenjwa kaRhulumente wommandla womxweme kawonke-wonke

12. URhulumente, ngokwewonga njengomthenjwa wayo yonke immandla yamanxweme kawonkewonke kufuneka— 50
- (a) aqinisekise ukuba imimmandla yonxweme kawonkewonke iyasetyenziswa, iyalawulwa, iyakhuselwa, iyagcinwa kwaye ilungiswe ngokomdla woluntu lonke; kanaanjala

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) take whatever reasonable legislative and other measures it considers necessary to conserve and protect coastal public property for the benefit of present and future generations.

Access to coastal public property

- 13.** (1) Subject to this Act and any other applicable legislation, any natural person in the Republic— 5
- (a) has a right of reasonable access to coastal public property; and
 - (b) is entitled to use and enjoy coastal public property, provided such use—
 - (i) does not adversely affect the rights of members of the public to use and enjoy the coastal public property; 10
 - (ii) does not hinder the State in the performance of its duty to protect the environment; and
 - (iii) does not cause an adverse effect.
- (2) This section does not prevent prohibitions or restrictions on access to, or the use of, any part of coastal public property— 15
- (a) which is or forms part of a protected area;
 - (b) to protect the environment, including biodiversity;
 - (c) in the interests of the whole community;
 - (d) in the interests of national security; or
 - (e) in the national interest. 20
- (3) No fee may be charged for access to coastal public property without the approval of the Minister.
- (4) The Minister, before granting approval for the imposition of a fee, must require a public participation process in accordance with Part 5 of Chapter 6 to enable interested and affected parties to make representations. 25
- (5) Subsections (3) and (4) do not apply to coastal public property—
- (a) that has been leased; or
 - (b) that is, or forms part of, a protected area or the sea that forms part of a harbour or a proclaimed fishing harbour.

Position of high-water mark 30

- 14.** (1) If land has a curvilinear boundary extending to, or a stated distance from, the high-water mark that curvilinear boundary may be substituted by a boundary of another character by following the procedure prescribed by section 34 of the Land Survey Act, provided that in addition to the requirements of that section the written agreement referred to in that section must be signed by— 35
- (a) the Minister; and
 - (b) the holder of real rights in the land or in land contiguous to it whose rights would be adversely affected by the replacement of the curvilinear boundary.
- (2) If a written agreement is not concluded in accordance with subsection (1) and section 34 as read with section 29 of the Land Survey Act, subsections (3) to (5) of section 29 of that Act apply with the necessary changes. 40
- (3) Once a boundary line has been established in terms of subsection (1) it shall be regarded as the high-water mark as defined in this Act unless a new boundary is established in terms of subsection (4).
- (4) If the high-water mark moves inland of the natural curvilinear boundary or the boundary line established in terms of subsection (1) and remains there for at least two years, a new boundary line on, or inland of, the high-water mark as determined by natural indications, may be determined in accordance with this section at the initiative of the Surveyor-General or by a written agreement referred to in subsection (1) being lodged with the Surveyor-General by— 50
- (a) the Minister;
 - (b) the municipality within whose area of jurisdiction the boundary line is situated;
 - (c) the owner of a land unit affected by the movement of the high-water mark; or
 - (d) the holder of real rights in a land unit affected by the movement of the high-water mark. 55
- (5) If the high-water mark moves inland of the boundary line of a land unit due to the erosion of the coast, sea-level rise or other causes, and remains inland of that boundary line for a period of three years, the owner of that land unit—

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) athathe naluphi uwisomthetho olwamkelekayo namanye amalungiselelo acinga ukuba ayimfunco kulondolozo nokhuseleko lwemimandla yonxweme kawonkewonke ukwenzela inzuzo yezizukulwana zangoku nezexesha elizayo.

Ufikeleleko kummandla wonxweme kawonkewonke

5

13. (1) Phantsi kwalo Mthetho nawo nawuphi an umthetho ochaphazelekayo, nawuphi umntu kwiRiphabliki—

(a) unamalungelo okufikelela kummandla wonxweme kawonkewonke; kananjalo

(b) unamagunya okusebenzisa kunye nokuzonwabisa kummandla wonxweme kawonkewonke, kuxhomekeka ekubeni ukuwusebenzisa—

(i) akuchaphazeli ngokungalunganga amalungelo abantu ekusetyenzisweni nasekonwabeni kummandla wonxweme kawonkewonke;

(ii) akaphazamisani nokusebenza kukarhulumente ekukhuseleni okusi-ngqongileyo; kunye

(iii) akudali monakalo ungalunganga.

(2) Eli solotyana alizithinteli izilandulo nezithintelo zokufikelela, okanye ukusebenzisa nayiphi na inxalenye kummandla wonxweme kawonkewonke—

(a) oyinxalenye okanye licandelo lommandla okhuselweyo;

(b) ukhusela imo engqonge indalo, kubandakanywa nendalo exubeneyo ngokubanzi;

(c) ngokomdla woluntu lonke;

(d) ngokomdla wokhuseleko wesizwe; okanye

(e) ngokomdla wesizwe.

(3) akukho mrhumo ufanelwe kuhlawulwa ngokungena kummandla wonxweme awonkewonke ngaphandle kwemvume yoMphathiswa.

(4) uMphathiswa, phambi kokunika imvume yokuhekwa kwentlawulo, unokufuna inkquho yenxaxheba kawonkewonke ngokweNdimba ye-5 yeSahluko 6 ukunceda amalungu anomdla nachaphazelekayo ukwenza umboniso.

(5) amasolotyana le-(3) kunye nele-(4) awasebenzi kummandla wonxweme kawonkewonke—

(a) oqeshisileyo; okanye

(b) othe, okanye oyinxelenye, yommandla okhuselweyo, okanye ulwandle oluyinxalenye yezibuko okanye izibuko lokuloba elaziwayo elibhengeziweyo.

Indawo yodini eliphezulu lamanzi

14. (1) Ukuba umhlaba unomda wegophe ofikelela, okanye umgama oxeliweyo ukusuka kwiqondo lamanzi eliphezulu ukuze umda wegophe ubanjelwe ngomda wolunye uphawu ngokulandela inkqubo ekwisolotyana la-34 loMthetho woCando-mhlaba, ngaphandle kokuba ngaphezu kweemfuno zelo solotyana invumelwano ekubhekiselelwe kuyo kwelo solotyana mayityikitywe—

(a) nguMphathiswa; kunye

(b) nomnini wamalungelo enene kulo mhlaba okanye umhlaba okufuphi womntu onamalungelo akhe aya kuchaphazela kakubi ngokokubekwa kwemida yegophe.

(2) Ukuba invumelwano ebhaliweyo ayiqityezelwanga ngokwesolotyana lo-(1) kanti isolotyana la-34 njengoko lifundeka kwisolotyana la-29 loMthetho woCando-mhlaba, isolotyana le-(3) ukuya kwele-(5) esolotyana la-29 alo Mthetho asebenza ngohlengahlengiso oluyimfuneko.

(3) Wakuba usekiwe umgca womda ngokwesolotyana lo-(1) uza kuthathwa njengeqondo eliphezulu lamanzi ngokwenkcazelo ekulo Mthetho kude kusekwe umda omtsha ngokwesolotyana le-(4).

(4) Ukuba iqondo eliphezulu lamanzi lisondela ngaphakathi komgca womda omisiweyo ngokwesolotyana lo-(1) lize lihlale apho ixesha eliminyaka mibini obona huncinci, umgca omtsha womda, okanye womhlaba ongaphakathi, iqondo lamanzi eliphezulu ngokokuqikelelwa ngokwezalathisi zendalo, lingamelwa ngokweli solotyana xa isindululo senziwe nguNocanda-Jikelele okanye ngesivumelwano esibhaliweyo esichazwe kwisolotyana lo-(1) esifakwa kuNocanda-Jikelele—

(a) nguMphathiswa;

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (a) loses ownership of any portion of that land unit that is situated below the high-water mark; and
- (b) is not entitled to compensation from the State for that loss of ownership, unless the movement of the high-water mark was caused by an intentional or negligent act or omission by an organ of state and was a reasonably foreseeable consequence of that act or omission. 5
- (6) If accretion occurs, whether as a result of natural processes or human activities, land which formed part of the seashore when this Act took effect and which subsequently becomes situated inland of the high-water mark as a result of a change in the position of the high-water mark, remains coastal public property, and does not become part of any adjoining property unless the property is bounded by the high-water mark or extends to a stated distance from the high-water mark. 10

Measures affecting erosion and accretion

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 of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person. 15
- (2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act. 20

Part 2

Coastal protection zone

Composition of coastal protection zone

16. (1) Subject to subsection (2), the coastal protection zone consists of— 25
- (a) land falling within an area declared in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as a sensitive coastal area within which activities identified in terms of section 21(1) of that Act may not be undertaken without an authorisation;
- (b) any part of the littoral active zone that is not coastal public property; 30
- (c) any coastal protection area, or part of such area, which is not coastal public property;
- (d) any land unit situated wholly or partially within one kilometre of the high-water mark which, when this Act came into force— 35
- (i) was zoned for agricultural or undetermined use; or
- (ii) was not zoned and was not part of a lawfully established township, urban area or other human settlement;

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (b) ngumasipala womgca womda okummandla wakhe wolawulo;
- (c) ngumnini womlinganiselo womhlaba ochatshazelwa yinguquko yeqondo eliphezulu lamanzi; okanye
- (d) umphathi wamalungelo enene kumlinganiselo womhlaba ochatshazelwa yinguquko yeqondo eliphezulu lamanzi. 5
- (5) Ukuba iqondo eliphezulu lamanzi lisondela kumhlaba ongaphakathi kumgca womda womlinganiselo womhlaba ngenxa yokuncipha konxweme, ukunyuka komgangatho wolwandle okanye ezinye izizathu, kwaye lihlale ngaphakathi komgca womda kangangeminyaka emithathu, umnini waloo mlinganiselo womhlaba—
- (a) ulahlekelwa huhunini balo mlinganiselo womhlaba ofumaneka ngezantsi kweqondo eliphezulu lamanzi; kwaye 10
- (c) akanamfanelo yembuyekezo esuka kurhulumente ngolahlekelo lobunini ngaphandle kokuba inguquko yeqondo eliphezulu ibibangwe sisenzo sangabom okanye sokungakhathali okanye ukulityalwa lilungu likarhulumente kwaye ibiyimeko esisiphumo seso senzo nokuba kukulibaleka. 15
- (6) Ukuba kukho ukhulo, nokuba kungezizathu zenkqubo yendalo okanye izenzo zomntu, umhlaba oyinxalenye yonxweme xa lo Mthetho oMiselweyo ubuqala ukusetyenziswa nothe emva koko wabekwa kumhlaba ongaphakathi weqondo eliphezulu lamanzi njengesiphumo senguquko yendawo yeqondo eliphezulu lamanzi, uhlala ungummandla wonxweme kawonkewonke, kwaye ayibi yinxalenye enye nomhlaba edibene nenpahla ngaphandle kokuba impahla inyanzeliswe ngumda weqondo eliphezulu lamanzi okanye iyoluleka ukufikelela kumda oxeliweyo ukusuka kwinqondo eliphezulu lamanzi. 20

Amanyathelo achaphazela ukhukhuliseko kunye nokwanda ngokukhula

15. (1) Akukho mntu, umnini okanye umhlali kumhlaba ojongene nonxweme okanye nawuphi ummandla wonxweme kawonkewonke onokufuna ukuba ilungu likarhulumente okanye nawuphi na umntu enze amalungiselelo okunqanda ukuncipha okanye ukukhula konxweme okanye omnye ummandla wonxweme kawonkewonke, ngaphandle kokuba ukuncipha kudalwe ngenjongo okanye ngokungakhathali kwelungu likarhulumente okanye omnye umntu. 25 30
- (2) Akukho mntu unokwakha, unokugecina okanye andise nasiphi na isakhiwo, okanye athathe manyathelo wambi kummandla wonxweme kawonkewonke ukuthintela okanye ukuphucula ukuncipha okanye ukukhula konxweme ngaphandle kokuba kukho amalungiselelo oko kulo Mthetho. 35

INdima ye-2:

Umandla wokhuseleko lonxweme

Ukwakhiwa kommandla wokhuseleko lonxweme

16. (1) Phantsi kwesolotyana le-(2), ummandla wokhuseleko lonxweme ubandakanya oku—
- (a) umhlaba ophantsi kommandla obhengezwe ngokwemimiselo yoMthetho woLondolozo lweNdalo, 1989, (uMthetho onguNom. 73 ka-1989) njengommandla obuthathaka wonxweme apho imisehenzi eyenziwayo ichongwa ngokwemimiselo yesolotyana la-21(1) yaloo Mthetho ingenakwenziwa ngaphandle kogunyaziso; 40
- (b) nayiphi na indawo yommandla wonxweme esetyenziswayo engeyonxalenye yommandla wonxweme kawonkewonke; 45
- (c) nawuphi na ummandla okhuselweyo wonxweme ongeyonxalenye yommandla wonxweme kawonkewonke;
- (d) nawuphi na umhlaba ofumaneka wonke okanye inxalenye kumgama wekhilomitha enye yeqondo eliphezulu lamanzi, nothe xa bekubekwa lo Mthetho— 50
- (i) wabekwa ngokwemimandla yokusetyenziswa kwezolimo okanye ungaqinisekiswa; okanye
- (ii) ubungahlulwanga kwaye ubungeyonxalenye yendawo yokuhlala elokishini, indawo esezidolophini okanye enye indawo ehlala abantu; 55

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (e) any land unit not referred to in paragraph (d) that is situated wholly or partially within 100 metres of the high-water mark;
- (f) any coastal wetland, lake, lagoon or dam which is situated wholly or partially within a land unit referred to in paragraph (d)(i) or (e);
- (g) any part of the seashore which is not coastal public property, including all privately owned land below the high-water mark; 5
- (h) any admiralty reserve which is not coastal public property; or
- (i) any land that would be inundated by a 1:50 year flood or storm event.

(2) An area forming part of the coastal protection zone, except an area referred to in subsection (1)(g) or (h), may be excised from the coastal protection zone in terms of section 26. 10

Purpose of coastal protection zone

17. The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to— 15

- (a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property;
- (b) avoid increasing the effect or severity of natural hazards in the coastal zone;
- (c) protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; 20
- (d) maintain the natural functioning of the littoral active zone;
- (e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and
- (f) make land near the seashore available to organs of state and other authorised persons for— 25
 - (i) performing rescue operations; or
 - (ii) temporarily depositing objects and materials washed up by the sea or tidal waters.

Part 3

Coastal access land 30

Designation of coastal access land

18. (1) Each municipality whose area includes coastal public property must within four years of the commencement of this Act, make a by-law that designates strips of land as coastal access land in order to secure public access to that coastal public property.

(2) Coastal access land is subject to a public access servitude in favour of the local municipality within whose area of jurisdiction it is situated and in terms of which members of the public may use that land to gain access to coastal public property. 35

(3) A municipality must implement subsection (1) subject to—

- (a) the other provisions of this Act, including— 40
 - (i) any prohibitions or restrictions referred to in section 13(2); and

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (e) nawuphi na umhlaba ongachazwanga kumhlathi (d) ofumaneka wonke okanye indawo ethile ngaphakathi kweemitha ezili-100 zeqondo eliphezulu lamanzi;
 (i) nawuphi na umhlaba obuya kuthiwa gwantya sisikhukula sonyaka esiyi-1:50; 5
- (f) nawuphi na umgxobhozo wonxweme, ichibi, ichibi lechweba okanye idama elifumaneka lonke okanye indawo ethile ngaphakathi komhlaba ochazwe kumhlathi (d)(i) okanye (e)(i);
- (g) nayiphi na inxalenye yonxweme engenguwo ummandla wonxweme kawonkewonke, kuqukwa wonke umhlaba onabanikazi babucala ongezantsi kweqondo eliphezulu lamanzi; okanye 10
- (h) naliphi na isebe eliphethe iinqanawa eligciniweyo elingeyonxalenye yommandla wonxweme kawonkewonke.
 (i) nawuphi na umhlaba onokuthiwa gwantya sisikhukula sonyaka sesilinganiso esiyi-1:50. 15
- (2) Indawo eyinxalenye yemmandla okhuselweyo wonxweme, ngaphandle kwendawo echazwa kwisolotyana lo-(1)(g) okanye (h), ingasikwa kummandla wonxweme olukhuselwe ngokwenimiselo yesolotyana la-26.

Iinjongo zokhuselo lommandla ogudle unxweme

17. Ukhusele lommandla ogudle unxweme lusungulwe ngenjongo yokuvumela usetyenziso lomhlaba ogudle unxweme olungummandla wonxweme kawonkewonke ogudle unxweme okanye oludlala indima ebonakalayo kwizinto eziphilayo nale ndawo ziphila kuyo emayilawulwe imiswe kakuhle okanye ithintelwe ukuze— 20
- (a) kukhuselwe ukuhlonitshwa kwezinto eziphilayo nendawo eziphila kuyo, ubunjani bendalo nexabiso loqoqosho, lwentlalo nobugcisa hommandla wonxweme kawonkewonke ogudle unxweme; 25
- (b) kuthintelwe ukwanda kwezehlo okanye ukukhula kweziganeko czinobungozi kwiindawo ezigudle unxweme;
- (c) kukhuselwe abantu, impahla nemisebenzi yoqoqosho kubungozi obuvela ekuguquguqukeni kweenkqubo zonxweme kuquka ubungozi bokunyuka komgangatho wolwandle; 30
- (d) kugcinwe ukusebenza ngokwendalo kwendawo esebenzayo yonxweme;
- (e) kugcinwe isakhono esisebenzayo sendawo egudle unxweme ngokukhusela nokuhlonitshwa kwezinto eziphilayo nale ndawo ziphila kuyo kwindawo egudle unxweme; 35
- (f) nokuba kwenziwe ukuba umhlaba okufuphi nonxweme ufumaneka kumasebe karhulumente nakwabanye abantu abanegunya—
 (i) lokuqhuba imisebenzi yohlangulo;
 (ii) lokulahla izinto okwexeshana okanye nezinto ezikhutshelwa phandle lulwandle okanye ngamazama amakhulu. 40

INDIMA YE-3:

Umhlaba ofikelekayo wonxweme

Ukuphawulwa komhlaba ofikelekayo wonxweme

18. (1) Umasipala ngamnye omhlaba wakhe uquka ummandla wonxweme kawonkewonke kufuneka ingekapheli iminyaka emine uqalisile lo Mthetho, enze umthetho kamasipala ophawula izijungqu zomhlaba ogudle unxweme olungummandla kawonkewonke njengomhlaba wamanxweme ofikelekayo ukuze kuqinisekise ufikelelo loluntu kuloo mmandla wonxweme kawonkewonke ogudle unxweme. 45
- (2) Umhlaba ofikelekayo wonxweme uxhomekeke ekunikeni inkonzo enemiqathango yokufikelela koluntu egameni likamasipala waloo ndawo iphantsi kolawulo lwakhe nangokwemimiselo yamalungu oluntu angawusebenzisa loo mhlaba ukufumana ufikelelo kummandla wonxweme kawonkewonke ogudle unxweme. 50
- (3) Umasipala kufuneka aphumeza isolotyana lo-(1) phantsi—
 (a) ezinye izibonelelo zalo Mthetho, ziquka—
 (i) naziphi na izithintelo ckubhekiswa kuzo kwisolotyana la-13(2); kunye 55

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (ii) the national and applicable provincial coastal management programmes; and
 - (b) any other applicable national or provincial legislation.
- (4) No land within a harbour, defence or other strategic facility may be designated as coastal access land without the consent of the Minister responsible for that facility. 5
- (5) Subject to section 19, a municipality may, on its own initiative or in response to a request from an organ of state or any other interested and affected party, withdraw the designation of any land as coastal access land.

Process for designating and withdrawing designation of coastal access land

19. Before designating land as coastal access land or withdrawing any such designation, a municipality must— 10
- (a) assess the potential environmental impacts of doing so;
 - (b) consult with interested and affected parties in accordance with Part 5 of Chapter 6; and
 - (c) give notice of the intended designation or withdrawal of the designation to the owner of the land. 15

Responsibilities of municipalities with regard to coastal access land

20. (1) A municipality in whose area coastal access land falls, must—
- (a) signpost entry points to that coastal access land; 20
 - (b) control the use of, and activities on, that land;
 - (c) protect and enforce the rights of the public to use that land to gain access to coastal public property;
 - (d) maintain that land so as to ensure that the public has access to the relevant coastal public property;
 - (e) where appropriate and within its available resources, provide facilities that promote access to coastal public property, including parking areas, toilets, boardwalks and other amenities, taking into account the needs of physically disabled persons; 25
 - (f) ensure that the provision and use of coastal access land and associated infrastructure do not cause adverse effects to the environment; 30
 - (g) remove any public access servitude that is causing or contributing to adverse effects that the municipality is unable to prevent or to mitigate adequately;
 - (h) describe or otherwise indicate all coastal access land in any municipal coastal management programme and in any municipal spatial development framework prepared in terms of the Municipal Systems Act; 35
 - (i) perform any other actions that may be prescribed; and
 - (j) report to the MEC within two years of this Act coming into force on the measures taken to implement this section.
- (2) A municipality may make by-laws for the proper implementation of subsection (1). 40

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (ii) neenkqubo zolawulo lwamanxweme kwibakala lesizwe okanye neenkqubo zolawulo lwamanxweme zamaphondo achaphazelekayo; kunye
- (b) nawuphi na omnye umthetho wesizwe okanye wephondo ochaphazelekayo.
- (4) Akukho mhlaba usezibukweni, ukwisigqubu somkhosi okanye ukwelinye iziko clicwangciselwe okuthile onokuphawulwa njengomhlaba ofikelekayo wonxweme ngaphandle kwemvume yoMphathiswa ojongene nalo msebenzi. 5
- (5) Ngokuxhomekeke kwisolotyala la-19, umasipala, ngokuzithandela okanye ngokucelwa lisebe likarhulumente okanye naliphi na elinye iqela elinomdla nelichaphazelekayo, angarhoxisa uphawulo lwawo nawuphi na umhlaba njengomhlaba ofikelekayo wonxweme. 10

Inkqubo yophawulo norhoxiso lophawulo lomhlaba ofikelekayo wonxweme

19. Phambi kokuphawulwa komhlaba njengomhlaba ofikelekayo wonxweme okanye phambi kokurhoxisa naluphi na uphawulo olunje, umasipala kufuneka—
- (a) avavanye uchaphazeleko olunokubakho kokusingqongileyo; 15
- (b) athethathethane namaqela anomdla nachaphazelekayo ngokwemiqathango yeNdima ye-5 yeSahluko 6; kunye
- (c) anike isaziso sokuphawulwa okucetywayo okanye ukurhoxiswa kokuphawulwa kumnikazi womhlaba.

Uxanduva loomasipala ngokubhekiselele kumhlaba wamanxweme ofikelekayo 20

20. (1) Umasipala obandakanya umhlaba ofikelekayo wonxweme kufuneka—
- (a) afake ibhodi yophawulo lwendawo yokungena kuloo mhlaba ofikelekayo wonxweme;
- (b) alawule usetyenziso kunye nemisetyenzana eyenzelwa kuloo mhlaba;
- (c) akhusele ekwaxhasa amalungelo okuba uluntu lusebenzise loo mhlaba ukufumana ukufikelela kummandla wonxweme kawonkewonke ogudle unxweme; 25
- (d) agcine loo mhlaba ukuqinisekisa ukuba uluntu luyafikelela kummandla wonxweme kawonkewonke ogudle unxweme;
- (e) apho kufanelekileyo nakwimithombo yakhe efumanekayo, anike izakhono ezikhuthaza ukufikelela kummandla wonxweme kawonkewonke ogudle unxweme, kuquka iindawo zokupaka iimoto, izindlu zangasese, indlela zeenyawo kunye nezinye izinto eziluncedo, angalibali ukuqwalasela kwecmfuno zabantu abakhubazekileyo ngokomzimba; 30
- (f) aqinisekise ukuba ulungiselelo nosetyenziso lomhlaba wonxweme ofikelekayo kunye naziseko ezihambelanayo azingonobangela weziphumo ezichaseneyo; 35
- (g) asuse nayiphi inkonzo enemiqathango yokufikelela koluntu ebangela okanye efaka igxalaba kwiziphumo ezichaseneyo angenako umasipala ukuzithintela okanye ukuzinciphisa ngokwanelisayo; 40
- (h) achaze okanye abonise wonke umhlaba wonxweme ofikelekayo nakuyiphi na inkqubo kamasipala yolawulo lwamanxweme nakuyiphi na inkqubo-sikhokelo kamasipala yophuhliso kwezomoya elungiselelwe ngokwemimiselo yoMthetho weSixokelelwano kaMasipala; kunye
- (i) nokwenza nayiphi eminye imisetyenzana engamiselwa; 45
- (j) azise uMphathiswa wePhondo ingekapheli iminyaka emibini uqalisile ukusebenza lo Mthetho ngamanyathelo athatyathiweyo ukuphumeza eli solotyala.
- (2) Umasipala angenza imithetho kamasipala eqinisekisa usetyenziso olululo lwesolotyana lo-(1). 50

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

Part 4

Coastal waters

Control and management of coastal waters

21. An organ of state that is legally responsible for controlling or managing any activity on or in coastal waters, must control and manage that activity— 5
- (a) in the interests of the whole community; and
 - (b) in accordance with the Republic's obligations under international law.

Part 5

Coastal protected areas

Excision of protected areas from coastal protection zone 10

22. (1) Subject to section 87, the MEC may by notice in the *Gazette* declare that with effect from a specified date the whole or any part of a protected area that is not coastal public property, will not form part of the coastal protection zone.
- (2) The MEC may only publish a notice referred to in subsection (1) after consultation with the management authority of the protected area, if he or she on reasonable grounds 15 believes that doing so will not prejudice the effective management of the coastal zone.

Part 6

Special management areas

Declaration of special management areas

23. (1) The Minister may, after consultation with the MEC, by notice in the *Gazette*— 20
- (a) declare an area that is wholly or partially within the coastal zone to be a special management area; or
 - (b) withdraw or amend any declaration made in terms of paragraph (a).
- (2) Before declaring an area to be a special management area, the Minister must give interested and affected parties an opportunity to make representations in accordance 25 with Part 5 of Chapter 6.
- (3) An area may be declared as a special management area only if environmental, cultural or socio-economic conditions in that area require the introduction of measures which are necessary in order to more effectively—
- (a) attain the objectives of any coastal management programme in the area; 30
 - (b) facilitate the management of coastal resources by a local community;
 - (c) promote sustainable livelihoods for a local community; or
 - (d) conserve, protect or enhance coastal ecosystems and biodiversity in the area.
- (4) The Minister may prescribe specified activities which are prohibited in special management areas taking into account the purpose for which the special management 35 area was declared.

Management of special management areas

24. (1) The Minister may, by notice in the *Gazette*, appoint a manager for each special management area.

INdima ye-4:**Amanzi amanxweme****Ulawulo nokuphathwa kwamanzi amanxweme**

21. Umbutho waseburhulumenteni onikwe ngokusemthethweni olu xanduva lokulawula nokuphatha nayiphi na imisebenzi yasemanzini onxweme, kufuneka ulawule uphathe loo misebenzi— 5

- (a) ngokomdla wabahlali xa bebonke;
- (b) nangokwemiqathango yezibophelelo zeRiphabhliki phantsi komthetho wamazwe ngamazwe.

INdima ye-5:

10

Iindawo ezikhuselweyo zamanxweme**Ukusikwa kweendawo ezikhuselweyo zonxweme zisuswa kummandla okhuselekileyo wonxweme**

22. (1) UMphathiswa angafaka isaziso kwiPhepha-ndaba loMbuso esazisa ukuba ukusuka ngomhla ochaziweyo yonke okanye nayiphi inxalenye yendawo ekhuselweyo, nengenguwo ummandla wonxweme kawonkewonke ayinakuba yinxalenye yendawo ekhuselweyo yonxweme. 15

(2) UMphathiswa angapapasha kuphela isaziso ekubhekiswa kuso kwisolotyana lo-(1) emva kokuthethathethana nabasemagunyeni bolawulo kwindawo ekhuselweyo, ukuba ukholelwa ngokubambekayo ukuba ukwenza njalo akunakuchaphazela kakubi ulawulo lomhlaba wonxweme. 20

INdima ye-6:**Iindawo zolawulo olulodwa****Ukwazisa iindawo zolawulo olulodwa**

23. (1) Phantsi kwisolotyana la-85, uMphathiswa wePhondo, emva kokuthethathethana noMphathiswa angafaka isaziso kwiPhepha-ndaba loMbuso— 25

- (a) azise indawo yonke okanye inxalenye yayo engaphakathi kwendawo eselunxwemeni njengendawo elawulwa ngokukodwa; okanye
- (b) arhoxise okanye alungise naziphi izaziso ngokwemimiselo yomhlathi (a).

(2) Phambi kokwazisa indawo njengendawo elawulwa ngokukodwa, uMphathiswa wePhondo makanike amaqela anomdla nachaphazelekayo ithuba lokwandlala izimvo zawo ngokwemiqathango yeNdimba ye-5 yeSahluko 6. 30

(3) Indawo ingaziswa njengendawo elawulwa ngokukodwa kuphela ukuba iimeko zezisingqongileyo, zenkcubeko okanye zentlalo noqoqosho kuloo ndawo zifuna ukuthatyathwa kwamanyathelo, manyathelo lawo ngokoluvo loMphathiswa wePhondo, adingekayo ukuze kufezeke nangakumbi— 35

- (a) ukuphumeza iinjongo zayo nayiphi inkqubo yolawulo lonxweme kuloo ndawo;
- (b) ukubeka ngendlela ulawulo lwemithombo yonxweme ngabahlali bendawo; okanye 40
- (c) ukukhuthaza ubomi obuzinzileyo babahlali bendawo; okanye
- (d) ukulondoloza, ukukhusela nokwandisa iinkqubo ezilawula izinto eziphilayo zaselunxwemeni nendawo eziphila kuyo kunye nokwahlukana kwezinto eziphila kuloo ndawo.

(4) UMphathiswa usenokutsho imisebenzi ethile engavumelekanga kwimimandla ethile yolawulo ecinga ngenjongo loo mimandla eyavakaliswa ukuba ingeyayo. 45

Ulawulo lweendawo ezilawulwa ngokukodwa

24. (1) UMphathiswa wePhondo kufuneka afake isaziso kwiPhepha-ndaba loMbuso, onyule umphathi wendawo nganye elawulwa ngokukodwa.

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(2) The manager must have sufficient expertise and capacity to manage the special management area in a manner that will achieve the objectives for which it was established and may be—

- (a) a juristic person constituted for that purpose;
- (b) an organ of state; 5
- (c) a traditional council; or
- (d) any other person with appropriate expertise and capacity.

(3) Before authorising the manager to begin managing the special management area, the Minister must make regulations that—

- (a) define the duties and powers of the manager; and 10
- (b) prescribe rules to facilitate the achievement of the objectives for which the special management area was declared.

Part 7

Coastal set-back lines

Establishment of coastal set-back lines 15

25. (1) An MEC must in regulations published in the *Gazette*—

- (a) establish or change coastal set-back lines—
 - (i) to protect coastal public property, private property and public safety;
 - (ii) to protect the coastal protection zone;
 - (iii) to preserve the aesthetic values of the coastal zone; or 20
 - (iv) for any other reason consistent with the objectives of this Act; and
- (b) prohibit or restrict the building, erection, alteration or extension of structures that are wholly or partially seaward of that coastal set-back line.

(2) Before making or amending the regulations referred to in subsection (1), the MEC must— 25

- (a) consult with any local municipality within whose area of jurisdiction the coastal set-back line is, or will be, situated; and
- (b) give interested and affected parties an opportunity to make representations in accordance with Part 5 of Chapter 6.

(3) A local municipality within whose area of jurisdiction a coastal set-back line has been established must delineate the coastal set-back line on a map or maps that form part of its zoning scheme in order to enable the public to determine the position of the set-back line in relation to existing cadastral boundaries. 30

(4) A coastal set-back line may be situated wholly or partially outside the coastal zone.

CHAPTER 3 35

BOUNDARIES OF COASTAL AREAS

Determination and adjustment of coastal boundaries

26. (1) The coastal boundaries of—

- (a) coastal public property may be determined or adjusted by the Minister in accordance with section 27 by notice in the *Gazette*; 40
- (b) the coastal protection zone may be determined or adjusted by the MEC in accordance with section 28 by notice in the *Gazette*;
- (c) a special management area may be determined or adjusted by the Minister in accordance with section 23 by notice in the *Gazette*; and

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

(2) Umphathi lowo makabe nobuchule ngokwaneleyo kunye nesakhono sokuphatha indawo elawulwa ngokukodwa ngendlela eza kuphumeza iinjongo zokusekwa kwayo yaye angaba—

- (a) ngumntu ongumqondisi-mthetho onyulelwe loo njongo; 5
- (b) ngumbutho waseburhulumenteni;
- (c) libhunga lendlu yomthonyama;
- (d) nguye nawuphi umntu onobuchule nesakhono esifanelekileyo.

(3) Ngaphambi kokugunyazisa lo mphathi ukuba aqalise ukulawula indawo elawulwa ngokukodwa, uMphathiswa wePhondo makenze imimiselo—

- (a) echaza imisebenzi namagunya alo mphathi; kunye 10
- (b) nokumisela imithetho ukuhambisa kakuhle ukuphunyezwa kweenjongo zokwazisa loo ndawo yolawulo olulodwa.

Indima ye-7:

Imigca yokubuyela emva konxweme

Ukumiswa kwemigca yokubuyela emva konxweme 15

25. 1) UMphathiswa, ngokwemimiselo epapashwe kwi*Phepha-ndaba loMbuso*—

- (a) angamisa okanye aguqule umgca wokubuyela emva konxweme—
 - (i) ukukhusela ummandla wonxweme kawonkewonke, ummandla wabucala nokhuseleko loluntu; 20
 - (ii) ukukhusela indawo ekhuselweyo yonxweme;
 - (iii) ukulondoloza ixabiso lobugcisa bendawo yonxweme; okanye
 - (iv) nangazo naziphi ezinye izizathu ezivumelanayo nezizathu zalo Mthetho; kwaye
- (b) angakuthintela ukwakha okanye aqingqe ukumiswa kwesakhiwo, ukwenza inguqulelo okanye ukwandisa izakhiwo ezisondela, ngokupheleleyo okanye inxalenye yaso, ngaselwandle ukusuka kumgca wokubuyela emva konxweme. 25

(2) Ngaphambi kokwenza okanye kokulungisa imimiselo ekubhekiswa kuyo kwisolotyana lo-(1), uMphathiswa wePhondo kufuneka—

- (a) athethathethane naye nawuphi umasipala wasekhaya ondawo ziphantsi kolawulo lwakhe zicanda kumgca wokubuyela emva konxweme, okanye ziza kucanda apho umi khona; kunye 30
- (b) anike amaqela anomdla nachaphazelekayo ithuba lokwandlala izimvo zabo ngokwemiqathango yeNdima ye-5 yeSahluko 6.

(3) Umasipala wasekhaya ondawo ziphantsi kolawulo lwakhe zicanda kumgca wokubuyela emva konxweme osele umisiwe kufuneka acacise ngokuzoba ukubuyela emva komgca emephini okanye ezimephini eziyinxalenye yolungiselelo lokwahlula imimandla ukuze uluntu lube nako ukubona indawo enomgca wokubuyela emva konxweme ngokunxulumene nemida ekhoyo yobunini bomhlaba. 35

(4) Umgca wokubuyela emva konxweme ingemiswa ngokupheleleyo okanye ngokuyinxalenye ngaphandle kwendawo yonxweme. 40

ISAHLUKO 3

IMIDA YEENDAWO EZIGUDLE UNXWEME

Ukumisela nokulungelelanisa imida yonxweme

26. (1) Imida yonxweme— 45

- (a) Immimandla yonxweme kawonkewonke egudle unxweme ingamiselwa okanye ingalungelelaniswa nguMphathiswa ngokwemiqathango yecandelo la-27 ngokufaka isaziso kwi*Phepha-ndaba loMbuso*;
- (b) yokhuselo lwendawo eselunxwemeni ingamiselwa okanye ingalungelelaniswa nguMphathiswa wePhondo ngokwemiqathango yecandelo la-28 ngokufaka isaziso kwi*Phepha-ndaba loMbuso*; 50
- (c) indawo yolawulo olulodwa ingamiselwa okanye ingalungelelaniswa nguMphathiswa ngokwemiqathango yesolotyana la-23 ngokufaka isaziso kwi*Phepha-ndaba loMbuso*; kwaye

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (d) coastal access land may be determined or adjusted by the municipality in accordance with section 29 by notice in the *Gazette*.
- (2) The power of the Minister to determine or adjust the inland coastal boundary of coastal public property in terms of section 27, includes the power to make any consequential change to an adjoining coastal boundary of the coastal protection zone or coastal access land. 5
- (3) The coastal boundaries referred to in subsection (1) may be determined or adjusted if—
- (a) that coastal boundary—
- (i) is uncertain or undefined; 10
- (ii) is subject to disputing claims; or
- (iii) has shifted due to natural or artificial processes; or
- (b) the Minister, MEC or municipality concerned on reasonable grounds believes that the objects of this Act will be achieved more effectively by doing so.
- (4) When determining or adjusting a coastal boundary in terms of subsection (1), the Minister, MEC or municipality in question must— 15
- (a) give interested and affected parties an opportunity to make representations in accordance with Part 5 of Chapter 6;
- (b) take into account—
- (i) any representations made by interested and affected parties; 20
- (ii) the interests of any affected local community;
- (iii) any applicable coastal management programme; and
- (c) comply with any other requirements that may be prescribed.
- (5) If the Minister or MEC determines or adjusts any coastal boundary under this section, he or she must immediately inform any municipality within whose area of jurisdiction the coastal boundary is situated to enable the municipality to reflect that coastal boundary on its zoning maps in accordance with section 31. 25

Determining and adjusting coastal boundary of coastal public property

27. (1) When determining or adjusting the inland coastal boundary of coastal public property, the Minister must take into account— 30
- (a) the dynamic nature of the shoreline;
- (b) the need to make appropriate allowance for—
- (i) the periodic natural movements in the high-water mark; and
- (ii) the erosion and accretion of the seashore;
- (c) the importance of ensuring the natural functioning of dynamic coastal processes and of extending the coastal boundaries of coastal public property to include the littoral active zone and sensitive coastal ecosystems, including coastal wetlands; 35
- (d) the potential effects of projected rises in sea-level; and
- (e) any other factor that may be prescribed. 40
- (2) The Minister may exclude any area from coastal public property for government purposes, by proclamation.
- (3) Before excluding any area from coastal public property in terms of subsection (2), the Minister must consult with interested and affected parties in terms of Part 5 of Chapter 6. 45
- (4) The Minister may exclude any area from coastal public property for any other purpose with the ratification of Parliament.
- (5) Land excluded from coastal public property forms part of state owned land.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (d) umhlaba wonxweme ofikelelekayo ungamiselwa okanye ulungelelaniswa ngumasipala ngokwemiqathango yesolotyala-29 ngokufaka isaziso kwi*Phepha-ndaba loMbuso*.
- (2) Igunya loMphathiswa lokumisela okanye lokulungelelanisa umda wonxweme kwicala elingenela emhlabeni ongowoluntu ogudle unxweme kuquka igunya lokwenza nayiphi na inguquko elandelayo kumda owayameneyo nonxweme lwendawo eselunxweme olukhuselweyo okanye engumhlaba wonxweme olufikelelekayo. 5
- (3) Imida yonxweme ekubhekiswa kuyo kwisolotyana lo-(1) ingamiselwa okanye ingalungelelaniswa kuphela ukuba ngaba:
- (a) umda wonxweme— 10
- (i) awuqinisekwanga ngawo okanye awuphawulwanga;
- (ii) uphantsi kwamabango aphikisayo; okanye
- (iii) utshintshile ngenxa yeenkqubo zendalo okanye ezenziwe ngumntu; okanye
- (b) UMphathiswa, uMphathiswa wePhondo okanye umasipala ochaphazelekayo ukholelwa ngokubambekayo ukuba injongo zalo Mthetho ziza kuphunyezwa ngokusebenzayo nangakumbi ngokwenzenjalo. 15
- (4) Xa kumiselwa okanye kulungelelaniswa umda wonxweme uMphathiswa, uMphathiswa wePhondo okanye umasipala ochaphazelekayo kufuneka—
- (a) anike amaqela anomdla nachaphazelekayo ithuba lokwandlala izimvo zabo ngokwemiqathango yeNdima ye-5 yeSahluko 6; 20
- (b) aqwalasele—
- (i) naziphi izimvo zabo ezandaliweyo ngamaqela anomdla nachaphazelekayo; 25
- (ii) umdla wabahlali bendawo echaphazelekayo;
- (iii) nayiphi inkqubo yolawulo lonxweme echaphazelekayo; kunye
- (c) nokuthotyelwa kwazo naziphi iimfuno ezisenokumiselwa.
- (5) Ukuba uMphathiswa, uMphathiswa wePhondo umisela okanye ulungelelanisa nawuphi umda wonxweme phantsi kweli solotyala, kufuneka azise ngokukhawuleza nawuphi umasipala ephantsi kolawulo lwakhe loo ndawo yaloo mda wonxweme ukwenzela ukuba umasipala akwazi ukubonisa loo mda wonxweme kwimaphu ezahlula imimandla ngokwemiqathango yesolotyala-31. 30

Ukumisela nokulungelelanisa umda wonxweme lwepropati yoluntu egudle unxweme

27. (1) Xa kumiselwa okanye kulungelelaniswa umda wonxweme oya ngakummandla wonxweme kawonkewonke ogudle unxweme, uMphathiswa kufuneka aqwalasele— 35
- (a) ukuguquguquka kwendalo yolo nxweme;
- (b) imfunco yokunika isithuba esifanelekileyo—
- (i) sentshukumo zendalo ezenzeka ngamaxesha athile xa uphawu lwamanzi luphezulu; kunye 40
- (ii) nokhukuliseko nokukhula konxweme;
- (c) ukubaluleka kokuqinisekisa ukusebenza ngokwendalo kweenkqubo zokuguquguquka konxweme nezokwandiswa kwemida yonxweme yommandla wonxweme kawonkewonke ogudle unxweme kuquka indawo esebenzayo elunxwemeni kunye nobu-ethe-ethe bezinto eziphilayo nendawo eziphila kuyo elunxwemeni kuquka imigxobhozo eselunxwemeni; 45
- (d) iziphumo ezinokwenzeka ngenxa yokuphakama komgangatho wolwandle okucingelwayo; kunye
- (e) nazo naziphi na izizathu ezisenokumiselwa. 50
- (2) UMphathiswa usenokuwukhuphela ngaphandle nawuphi na ummandla ekubeni ngumhlaba wonxweme kawonkewonke ngenjongo yokuba usetyenziswe ngurhulumente, ekwenza oko ngesibhengezo.
- (3) Ngaphambi kokuba uMphathiswa awukhuphele ngaphandle ummandla ekubeni ngumhlaba wonxweme kawonkewonke, ufanele abonisane nabantu abachaphazelekayo ngokweNdima 5 yeSahluko 6. 55
- (4) UMphathiswa usenokuwukhuphela ngaphandle ummandla ekubeni ngummandla wonxweme kawonkewonke ekwenza oko nokuba kungayihhi na enye injongo, kuze oko kuvunywe yiPalamente kamva.
- (5) Umhlaba ongeyoxalenye yommandla wonxweme kawonkewonke uyinxalenye yomhlaba ongoxalenye. 60

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(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. 5

Determining and adjusting coastal boundaries of coastal protection zone

28. (1) The MEC may not determine or adjust the coastal boundaries of the coastal protection zone in a manner that changes the coastal boundaries of coastal public property. 10

(2) The MEC may include land that is not adjacent to coastal public property in the coastal protection zone.

(3) When determining or adjusting the coastal boundary of the coastal protection zone the MEC must take into account— 15

- (a) the purpose for which the coastal protection zone is established;
- (b) the importance for coastal management to incorporate into the coastal protection zone land inland of the high-water mark that is not coastal public property but that should be maintained in, or restored to, a natural or semi-natural state; 20
- (c) the need to avoid risks posed by natural hazards to people, biodiversity, coastal public property and private property;
- (d) the potential for the number and severity of natural disasters to increase due to the effects of global climate change and other impacts on the environment, and the importance of taking preventive measures to address these threats; 25
- (e) the importance of allowing for the movement of the position of the high water mark over time and of protecting the inland coastal boundary of coastal public property by demarcating a continuous strip of land adjacent to it; and
- (f) any other factor that may be prescribed.

Determining and adjusting coastal boundaries of coastal access land 30

29. When determining or adjusting a coastal boundary of coastal access land a municipality must take into account—

- (a) the kind of public access required, and whether it is for—
 - (i) pedestrians;
 - (ii) vehicles; 35
 - (iii) vessels; or
 - (iv) any other kind of access;
- (b) any potential adverse effects that public access may cause, including those caused by—
 - (i) associated infrastructure; 40
 - (ii) vehicles, vessels or other conveyances; and
 - (iii) increased numbers of people;
- (c) the need for parking, recreational and ablution facilities;
- (d) any existing rights of way, public servitudes or customary means of gaining access to the seashore and coastal waters; 45
- (e) the need to protect any coastal protected areas; and
- (f) the importance of not restricting the rights of land owners unreasonably.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

(6) Xa kuthe kwenziwa isicelo, uMphathiswa unokukuvuma ukubangwa komhlaba ngokutsha. Umhlaba obangwe ngokutsha uya kuba yinxalenye yommandla wonxweme kawonkewonke, ngaphandle kokuba ukhutshelwe ngaphandle ekubeni yionxalenye yommandla wonxweme kawonkewonke ngokwesolotyana (5).

(7) Kweli solotyana, amagama athi "iinjongo zikarhulumente" athetha ukwenziwa kwemisebenzi licandelo likarhulumente, misebenzi leyo eluncedo kwilizwe liphela okanye ekhusela ilizwe, kodwa la magama akaquki umnikelo, ukuqeshwa komhlaba ixesha elingaphezu kwama-20 eminyaka, okanye ukuchithwa kwawo lelo candelo likarhulumente. 5

Ukumisela nokulungelelanisa imida yonxweme lwendawo ekhuselweyo yonxweme 10

28. (1) UMphathiswa wePhondo angamisela okanye angalungelelanisa imida yonxweme kwindawo ekhuselweyo yonxweme ngendlela eguqula imida yemimandla yonxweme kawonkewonke egudle unxweme.

(2) UMphathiswa angaquka umhlaba ongagudlanga unxweme kummandla wonxweme kawonkewonke ogudle unxweme kwindawo ekhuselweyo yonxweme. 15

(3) Xa kumiselwa okanye kulungelelaniswa umda wonxweme lwendawo ekhuselweyo yonxweme uMphathiswa makaqwalasele—

- (a) injongo esungulelwe yona indawo ekhuselweyo yonxweme;
- (b) ukubaluleka kolawulo lwamanxweme ukuba afakwe kwindawo ekhuselweyo yonxweme ukungenela emhlabeni ukusuka kophawu oluphezulu lwamanzi nolungelulo lwemimandla yonxweme kawonkewonke egudle unxweme kodwa kusafuneka ugcinwe okanye ubuyiselwe kwimeko yendalo okanye esondeleyo kweyendalo; 20
- (c) imfuno yokuthintela ubungozi obuvela ngenxa yeemeko zendalo eziyingozi ebantwini, kwizinto eziphilayo ezahlukeneyo, kwimimandla yonxweme kawonkewonke egudle unxweme nakumhlaba wabucala; 25
- (d) ukwanda okunokubakho kwenani okanye kokukhula kweentlekele zendalo ngenxa yeziphumo zokuguququka kwemozulu kwihlabathi nezinye iimpembelelo zokusingqongileyo nokubaluleka kokuthabatha amanyathelo azizithintelo ukulungisa ezi meko zoyikekayo; 30
- (e) ukubaluleka kokuvunyelwa kokususwa kophawu oluphezulu lwamanzi nokukhuselwa komda wonxweme ukungenela emhlabeni wemimandla yonxweme kawonkewonke egudle unxweme ngokucanda isijungqu esiqhubekayo somhlaba ogudle unxweme; kunye 35
- (f) naziphi na ezinye izizathu ezimiselweyo.

Ukumisela nokulungelelanisa imida yonxweme lwendawo efikelekayo yonxweme

29. Xa kumiselwa okanye kulungelelaniswa umda wonxweme lwendawo yonxweme efikelekayo umasipala makaqwalasele—

- (a) uhlobo lokufikelela koluntu olufunekayo, nokuba lwenzelwa— 40
 - (i) abahambi-ngeenyawo;
 - (ii) iinqwelo mafutha;
 - (iii) iinqwelo zamanzi; okanye
 - (iv) naluphi uhlobo lokufikelela;
- (b) naziphi na iziphumo ezichaseneyo ezisenokubangelwa lufikelelo loluntu, kuquka ezo zibangelwa— 45
 - (i) ziziseko ezihambelanayo noko;
 - (ii) zizithuthi, ziinqanawa okanye zezinye izithuthi;
 - (iii) kukwanda kwenani labantu;
- (c) imfuneko yendawo yokupaka iimoto, yolonwabo neendawo zokuhlamba;
- (d) naziphi na iindledlana zokuhamba, iinkonzo ezinemiqathango zoluntu okanye iindlela eziqhelekileyo zokufikelela elunxwemeni nakumanzi onxweme; 50
- (e) imfuneko yokukhusela naziphi na indawo ekhuselweyo yonxweme; kunye
- (f) nokubaluleka kokungabeki miqobo kumalungelo abanikazi bomhlaba ngokungenangqiqo.

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

Entry onto land

- 30.** (1) The Minister, an MEC or a municipality may, for the purpose of determining or adjusting a coastal boundary in terms of section 26, authorise any person to enter at any reasonable time, after reasonable notice to the owner or occupier of land or premises, other than residential premises, without a warrant, to— 5
- (a) conduct any survey;
 - (b) gather data;
 - (c) undertake an environmental assessment;
 - (d) erect a beacon; or
 - (e) take any other steps that may be necessary under this section. 10
- (2) Any person authorised in terms of subsection (1) to enter land or premises must on demand by any person, produce proof of his or her identity and authority to enter such land or premises.
- (3) Where the owner of any land or premises has refused entrance or cannot be found, the Minister, an MEC or a municipality may apply to the High Court for an appropriate order. 15
- (4) The Minister, an MEC or a municipality must compensate the owner for any damage, or repair any damage, arising from any act performed or carried out on the land or premises in the exercise of any power conferred in terms of this section. 20

Marking coastal boundaries on zoning maps 20

- 31.** If the Minister, an MEC or a municipality determines or adjusts a coastal boundary in accordance with section 26, a local municipality within whose area of jurisdiction the coastal boundary is situated must delineate that coastal boundary on a map or maps that form part of its zoning scheme in order to enable the public to determine the position of the coastal boundary in relation to existing cadastral boundaries. 25

Endorsements by Registrar of Deeds

- 32.** (1) The Minister, an MEC or a municipality, as may be appropriate, must notify the relevant Registrar of Deeds in writing whenever a coastal boundary has been determined or adjusted in terms of section 26(1) or an area or land has been demarcated in terms of section 26(2). 30
- (2) The notification to the relevant Registrar of Deeds must—
- (a) include a description of the land involved; or
 - (b) be accompanied by a diagram as defined in section 1 of the Land Survey Act, 1997 (Act No. 8 of 1997), of the land involved which is signed by a land surveyor. 35
- (3) On receipt of the notification contemplated in subsection (2), the relevant Registrar of Deeds must in accordance with section 3(1)(w) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), make a note in the relevant register of the determination or adjustment of a coastal boundary or a demarcation. 40

CHAPTER 4

ESTUARIES

National estuarine management protocol

- 33.** (1) Estuaries within the Republic must be managed in a co-ordinated and efficient manner and in accordance with a national estuarine management protocol. 45
- (2) The Minister, with the concurrence of the Minister responsible for water affairs, must within four years of the commencement of this Act prescribe a national estuarine management protocol.
- (3) The national estuarine management protocol must—
- (a) determine a strategic vision and objectives for achieving effective integrated management of estuaries; 50
 - (b) set standards for the management of estuaries;

Ukungenela emhlabeni

30. (1) UMphathiswa, uMphathiswa wePhondo okanye umasipala ngesizathu sokumisela okanye sokulungelelanisa umdla wonxweme ngokwemimiselo yesolotyala-26, angagunyazisa nawuphi umntu ukungena nangaliphi na ixesha ngokwengqiqo, nawuphi umhlaba okanye izakhiwo, kungezizo iindawo zokuhlala, ngaphandle kwemvume, ukuya 5

- (a) kuqhuba naluphi uhlolo;
- (b) kuqokelela iinkcukhacha;
- (c) kwenza uvavanyo lokusingqongileyo;
- (d) kumisa ibhakani; 10
- (e) kuthabatha nawuphi na amanyathelo angamanye ayimfuneko.

(2) Nawuphi na umntu ogunyaziswe ngokommiselo wesolotyana lo-(1) ukungena kumhlaba okanye kwizakhiwo kufuneka xa enyanzeliswa nanguwuphi na umntu, anike uhungqina besazisi sakhe kunye nesigunyaziso sokungena kuloo mhlaba okanye kweso sakhiwo. 15

(3) Apho umnini mhlaba okanye indawo athc akanika mvume yokungena okanye athc akafumaneka, uMphathiswa, uMphathiswa wePhondo okanye umasipala angafaka isicelo sogunyaziso olufanelekileyo kwiNkundla ePhakamileyo.

(4) UMphathiswa, uMphathiswa wePhondo okanye umasipala makabuyekeze abanini ndawo ngomonakalo, okanye ulungiso lomonakalo, owenzeke ngokwezenzo ezenziwa ngokwamagunya eli solotyala. 20

Ukuphawula imida yonxweme kwimaphu yokwahlula imimandla

31. Ukuba uMphathiswa, uMphathiswa wePhondo okanye umasipala umisela okanye ulungelelanisa umda wonxweme ngokuhambisana nesolotyala la-26, umasipala wasekhaya ondawo ephantsi kolawulo lwakhe imi kumda wonxweme kufuneka azobe loo mda wonxweme kwimaphu okanye kwiimaphu cziyinxalenye yokwahlula imimandla ukwenzela uluntu ukuba lube nako ukumisela indawo yomda wonxweme ngokubhekiselele kwimida yobunini bomhlaba. 25

Ukuqinisekiswa nguMbhalisi weMihlaba

32. (1) UMphathiswa, uMphathiswa wePhondo okanye umasipala, njengoko kungafaneleka, kufuneka azise uMbhalisi weMihlaba ngokubhaliweyo, nanini na xa umda wonxweme sele umiselwe ngokwemimiselo yesolotyala la-26(1) okanye ulungelelanisiwe ngokwemimiselo yesolotyala la-26(2). 30

(2) Isaziso esiya kuMbhalisi weMihlaba kufuneka—

- (a) siquke inkcazelo yomhlaba obandakanyekayo; okanye 35
- (b) sikhathshwe ngumzobo womhlaba njengoko uchazwe kwisolotyala leLand Survey Act 8 ka-1997.

(3) Xa afumana isaziso ngokucamngcwe kwisolotyana lc-2, uMbhalisi weMihlaba kufuneka ngokwemimiselo yesolotyala le-3(1)(w) loMthetho woBhaliso-mihlaba ka-1937 (uMthetho onguNom. 37 ka-1937) abhale kwincwadi efanelekileyo yobhaliso lomiselo okanye lolungelelwaniso lomda wonxweme okanye lokwahlula umda. 40

ISAHLUKO 4**AMACHWEBA****Inkqubo yolawulo lwamachweba eSizwe**

33. (1) Amachweba alapha kwiRiphabliki kufuneka alawulwe ngendlela elungeleleneyo nesebenzayo nangokungqinelana nenkqubo yolawulo lwamachweba esizwe. 45

(2) UMphathiswa, ngokuvumelana noMphathiswa wemicimbi yezamanzi, kufuneka ingaphelanga iminyaka emine uqalisile lo Mthetho, amisele inkqubo yolawulo lwamachweba esizwe. 50

(3) Inkqubo yolawulo lwamachweba esizwe kufuneka—

- (a) imisele umbono wesicwangciso-qhinga neenjongo zokuzuza ulawulo lwamachweba olumanyeneyo noluschenzayo;
- (b) ibeke imigangatho yokulawulwa kwamachweba;

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (c) establish procedures or give guidance regarding how estuaries must be managed and how the management responsibilities are to be exercised by different organs of state and other parties;
- (d) establish minimum requirements for estuarine management plans;
- (e) identify who must prepare estuarine management plans and the process to be followed in doing so; 5
- (f) specify the process for reviewing estuarine management plans to ensure that they comply with the requirements of this Act; and
- (g) be published for public comment in accordance with the procedure set out in Part 5 of Chapter 6. 10

Estuarine management plan

34. (1) The responsible body contemplated in section 33(3)(e) who develops an estuarine management plan must —
- (a) follow a public participation process in accordance with Part 5 of Chapter 6; and 15
 - (b) ensure that the estuarine management plan and the process by which it is developed are consistent with—
 - (i) the national estuarine management protocol; and
 - (ii) the national coastal management programme and with the applicable provincial coastal management programme and municipal coastal management programme referred to in Parts 1, 2 and 3 of Chapter 6. 20
- (2) An estuarine management plan may form an integral part of a provincial coastal management programme or a municipal coastal management programme.

CHAPTER 5

INSTITUTIONAL ARRANGEMENTS 25

Part 1

National Coastal Committee

Establishment and functions of National Coastal Committee

35. (1) The Minister must by notice in the *Gazette* establish a National Coastal Committee and determine its powers. 30
- (2) The Department must provide administrative support to the National Coastal Committee.
- (3) The National Coastal Committee must promote integrated coastal management in the Republic and effective co-operative governance by co-ordinating the effective implementation of this Act and of the national coastal management programme, and in particular must— 35
- (a) promote integrated coastal management—
 - (i) within each sphere of government;
 - (ii) between different spheres of government; and
 - (iii) between organs of state and other parties concerned with coastal management; 40
 - (b) promote the integration of coastal management concerns and objectives into—
 - (i) those environmental implementation plans and environmental management plans referred to in Chapter 3 of the National Environmental Management Act to which they are relevant; 45
 - (ii) national, provincial and municipal development policies, plans and strategies;
 - (iii) other plans, programmes and policies of organs of state whose activities may create adverse effects on the coastal environment; and 50
 - (c) perform any function delegated to it.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (c) iscke iinkqubo okanye inike isikhokelo ngokuphathelene nendlela amachweba amakalawulwe ngayo kwakunye nendlela uxanduva lolawulo omalusetyenziswe ngayo yimibutho yaseburhulumenteni eyahlukeneyo okanye ngamanye amaqela;
- (d) iseke iimfuno ezincinane zezicwangciso zolawulo lwamachweba; 5
- (e) ichonge abantu ekufuneka belongise izicwangciso zolawulo lwamachweba nenkqubo emayilandelwe ekwenzeni oko; kwaye
- (f) ichaze inkqubo yokuphonononga izicwangciso zolawulo lwamachweba ukuqinisekisa ukuba ziyazithobela iimfuno zalo Mthetho; nokuba
- (g) zipapaswe ukuze uluntu luphawule ngokwomgaqo echazwe kwiNdima 5 10
 yeSahluko 6.

Isicwangciso solawulo lwamachweba

34. (1) Nawuphi na umntu obandakanyekayo ocamngcwe kwisolotya la-33(3)(e) ophuhlisa isicwangciso solawulo lwamachweba kufuneka—

- (a) alandele inkqubo yothatho-nxaxheba loluntu ngokungqinelana neNdima ye-5 15
 yeSahluko 6; aze
- (b) aqinisekise ukuba isicwangciso solawulo lwamachweba nenkqubo ephuhliswa ngayo ziyahambelana—
- (i) nenkqubo yolawulo lwamachweba yesizwe; kwakunye
- (ii) nenkqubo yolawulo lwamanxweme yesizwe kunye nenkqubo 20
 esebenzayo yolawulo lwamanxweme amaphondo nenkqubo yolawulo lwamanxweme kamasipala ekubhekiswe kuyo kwiNdima yo-1, ye-2 ne-3 zeSahluko 6.

(2) Isicwangciso solawulo lwamachweba singenza inxalenye ebalulekileyo yenkqubo yolawulo lwamanxweme amaphondo okanye inkqubo yolawulo lwamanxweme 25 kamasipala.

ISAHLUKO 5

AMALUNGISELELO WEZIKO

INdima yo-1:

IKomiti yamaNxweme yeSizwe 30

Ukusekwa nemisebenzi yeKomiti yamaNxweme yeSizwe

35. (1) UMphathiswa unokuthi ngokukhupha isaziso kwi*Phepha-ndaba loMbuso* aseke iKomiti yamaNxweme yeSizwe aze amisele amagunya ayo.

(2) ISehe kufuneka linike inkxaso yolawulo kwiKomiti yamaNxweme yeSizwe.

(3) IKomiti yamaNxweme yeSizwe mayikhuthaze ulawulo olumanyeneyo 35
 kwiRiphahhlikhi nolawulo olunentsebenziswano olunempumelelo ngokukuquzelela ukuphunyezwa okunempumelelo kwalo Mthetho nenkqubo yolawulo lwamanxweme esizwe, kwaye ngokukodwa kufuneka—

- (a) ikhuthaze ulawulo lwamachweba olumanyeneyo—
- (i) kwinqanaba ngalinye likarhulumente; 40
- (ii) phakathi kwamanqanaba ohlukeneyo karhulumente; kwaye
- (iii) naphakathi kwemibutho yaseburhulumenteni okanye amanye amaqela ajongene nolawulo lwamanxweme;
- (b) ikhuthaze ukudityaniswa kwemicimbi nenjongo zolawulo lwamachweba 45
 kwi—
- (i) zokuphunyezwa kwezicwangciso zokusingqongileyo nezicwangciso zolawulo lokusingqongileyo ekubhekiswe kuzo kwiSahluko 3 soMthetho woLawulo lokuSingqongileyo weSizwe, apho zisemxholweni;
- (ii) migaqo-nkqubo yophuhliso yesizwe, eyamaphondo eyomasipala, 50
 izicwangciso nezicwangciso-qhinga;
- (iii) ezinye izicwangciso, iinkqubo nemigaqo-nkqubo yemibutho yaseburhulumente emisetyenzana yayo inokudala iziphumo ezibi kokusingqongileyo emanxwemeni; kwaye
- (c) yenze nawuphi umsebenzi ethunywe wona. 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Composition of National Coastal Committee

- 36.** (1) The Minister appoints the members of the National Coastal Committee.
- (2) (a) The persons to be appointed in terms of subsection (1) must, by virtue of the office that they hold or their expertise, be able to assist the National Coastal Committee in fulfilling its functions. 5
- (b) When appointing persons in terms of subsection (1), the Minister must ensure that the National Coastal Committee includes—
- (i) persons with expertise in fields relevant to coastal management and coastal ecosystems;
 - (ii) a representative from each Provincial Coastal Committee; 10
 - (iii) one or more members representing municipalities in the coastal zone;
 - (iv) representatives of national government departments which play a significant role in undertaking or regulating activities that may have an adverse effect on the coastal environment, including representatives of the departments responsible for agriculture, minerals and energy, transport, public works, provincial and local government, land affairs, water affairs and forestry and trade and industry; and 15
 - (v) one or more members representing the management authorities of coastal protected areas.
- (3) The Minister may, on the basis of the criteria referred to in subsection (2), 20 appoint—
- (a) an alternate member for any member of the National Coastal Committee; and
 - (b) a replacement for any member who vacates his or her office.
- (4) The Minister must, with the consent of the Minister of Finance, determine the rate of remuneration and the allowances payable to any member of the National Coastal Committee who is not an employee of an organ of state. 25

Vacation of office and termination of membership

- 37.** (1) A member of the National Coastal Committee vacates office if he or she—
- (a) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the National Coastal Committee; 30
 - (b) ceases to hold any office necessary for his or her appointment to the National Coastal Committee; or
 - (c) tenders his or her resignation and a Minister accepts it.
- (2) The Minister may terminate membership of a member of the National Coastal Committee where— 35
- (a) that member fails to perform the duties of a member as required in terms of this Act;
 - (b) that member obstructs or impedes the National Coastal Committee in the performance of its functions in terms of this Act;
 - (c) that member brings the National Coastal Committee into disrepute; or 40
 - (d) such termination is in the interest of the public.

Part 2

Provincial lead agencies

Designation and functions of provincial lead agency

- 38.** (1) The Premier of each coastal province must, within two months of the commencement of this Act, designate a provincial organ of state to function as the lead agency for coastal management in the province and must ensure that there is at all times a lead agency for coastal management in the province which is responsible to the MEC. 45
- (2) Each provincial lead agency must, within the province—
- (a) co-ordinate the implementation of the provincial coastal management programme referred to in Part 2 of Chapter 6; 50

Ukwakhiwa kweKomiti yamaNxweme yeSizwe

- 36.** (1) UMphathiswa uya konyula amalungu eKomiti yoNxweme yeSizwe.
- (2) (a) abantu abonyulwa ngokwesolotyana lo-(1) mababenako, ngokwezikhundla abakuzo okanye ubungcali babo, ukuncedisa iKomiti yoNxweme yeSizwe ekuzalisekiseni imisebenzi yayo. 5
- (b) xa enyula abantu ngokwesolotyana lo-(1), uMphathiswa kufuneka aqiniseke ukuba iKomiti yoNxweme yeSizwe iquka—
- (i) abantu abaziingcali kwiinkalo zolawulo lwamanxweme nakwiinkqubo ezilawula izinto eziphilayo nale ndawo ziphila kuyo engamanxweme;
- (ii) ummeli ophuma kwiKomiti yePhondo yamaNxweme; 10
- (iii) ilungu elinye okanye amalungu angaphezulu amele oomasipala kwindawo yamanxweme;
- (iv) abameli bamasebe karhulumente wesizwe abadlala indima ebalulekileyo, abamkela okanye abamisa kakuhle imisctyenzana enokuba nesiphumo esibi kwezokusingqongileyo emanxwemeni, kuqukwa nabameli bamasebe 15
ajongene nezolimo, izimbiwa namandla, ezothutho, imisebenzi yoluntu, urhulumente wamaphondo nowasekhaya, imicimbi yezemihlaba, imicimbi yezamanzi namahlathi, norhwebo noshishino; kunye
- (v) nelungu elinye okanye amalungu angaphezulu amele abasemagunyeni kulawulo lweendawo zamanxweme ezikhuselweyo. 20
- (3) UMphathiswa angathi, ngokwemigangatho ekubhekiswe kuyo kwisolotyana le-(2) onyule—
- (a) ilungu eliza kubolckisana nalo naliphi na ilungu leKomiti yamaNxweme yeSizwe; kwakunye
- (b) nalowo omakangene endaweni yalo naliphi na ilungu elisishiya isikhundla 25
salo.
- (4) UMphathiswa makathi ngokuvunyelwa nguMphathiswa wezeZimali amisele umlinganiselo wemivuzo nezibonelelo ezihlawulwa naliphi na ilungu leKomiti yoNxweme yeSizwe elingengomqeshwa wombutho waseburhulumenteni.

Ukushiya isikhundla nokupheliswa kobulungu 30

- 37.** (1) Ilungu leKomiti yoNxweme yeSizwe lishiya isikhundla xa—
- (a) likhubazekile kangokuba lingabinako ukwenza imisebenzi yalo njenge lungu leKomiti yoNxweme yeSizwe;
- (b) lithe layeka ukusebenzela i-ofisi emenza akwazi ukonyulwa abelilungu leKomiti yoNxweme yeSizwe; okanye 35
- (c) lithe lenza isicelo sokushiya ubulungu abe noMphathiswa ukuvumile oko.
- (2) UMphathiswa angabuphelisa ubulungu belungu leKomiti yoNxweme yeSizwe apho ilungu—
- (a) loyisakalayo ukuphumeza imisebenzi yalo njengoko kufuneka ngokwalo Mthetho; 40
- (b) lithintela ukusebenza kweKomiti yoNxweme yeSizwe ekusebenzeni ngokwemiqathango yalo Mthetho;
- (c) libeka iKomitini yoNxweme yeSizwe ehlazweni;
- (d) ubulungu balo bupheliswa ngokomdla woluntu jikelele.

INdima ye-2: 45***Ii-arhente ezikholayo zamaphondo*****Ukubekwa nemisebenzi ye-arhente ekhokelayo yephondo**

- 38.** (1) INkulumbuso yephondo ngalinye lonxweme kufuneka zingaphelanga iinyanga ezimbini zokuqalisa kwalo Mthetho imisele umbutho waseburhulumenteni wephondo ukuba usebenze njenge-arhente ekhokelayo yolawulo lwamanxweme 50
kwiphondo kwaye iqinisekise ukuba ngalo lonke ixesha ikhona i-arhente ekhokelayo yolawulo lwamanxweme exhomekeke kuMphathiswa wePhondo.
- (2) I-arhente nganye ekhokelayo yephondo kufuneka kwalapha kwiphondo:
- (a) iququzelele ukuphunyezwa kwenkqubo yephondo yolawulo lwamanxweme ekubhekiswe kuyo kwiNdima ye-2 yeSahluko 6; 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) monitor coastal management in the province to ensure that it is undertaken in an integrated, effective and efficient manner and in accordance with the objects of this Act;
 - (c) monitor the state of the environment in the coastal zone and relevant trends affecting that environment, and identify provincial priority issues; 5
 - (d) co-ordinate the preparation of a provincial state of the coast report required by section 93(2);
 - (e) provide logistical and administrative support to the Provincial Coastal Committee established in accordance with section 39;
 - (f) review reports that relate to determinations and adjustments under Chapter 3 or that concern policies that may impact on the coastal zone; 10
 - (g) promote, in collaboration with other appropriate bodies and organisations, training, education and public awareness programmes relating to the protection, conservation and enhancement of the coastal environment and the sustainable use of coastal resources; 15
 - (h) take all reasonably practical measures to monitor compliance with, and to enforce, this Act, either alone or in co-operation with other enforcement agencies; and
 - (i) perform any other functions assigned to it by the Minister or the MEC under this Act. 20
- (3) The Premier may assign some of the functions referred to in subsection (1) to any organ of state other than the lead agency in the province.

Part 3

Provincial Coastal Committees

Establishment and functions of Provincial Coastal Committees 25

39. (1) Each MEC must within 12 months of the commencement of this Act establish a Provincial Coastal Committee for the province.

(2) A Provincial Coastal Committee must—

- (a) promote integrated coastal management in the province and the co-ordinated and effective implementation of this Act and the provincial coastal management programme; 30
- (b) advise the MEC, the provincial lead agency and the National Coastal Committee on matters concerning coastal management in the province;
- (c) advise the MEC on developing, finalising, reviewing and amending the provincial coastal management programme; 35
- (d) promote a co-ordinated, inclusive and integrated approach to coastal management within the province by providing a forum for, and promoting, dialogue, co-operation and co-ordination between the key organs of state and other persons involved in coastal management in the province;
- (e) promote the integration of coastal management concerns and objectives into the plans, programmes and policies of other organs of state whose activities may have caused or may cause adverse effects on the coastal environment; 40
- and
- (f) perform any function delegated to it.

Composition of Provincial Coastal Committees 45

40. (1) Subject to subsection (5), the MEC must determine the composition of the Provincial Coastal Committee, and in doing so must take account of the desirability of ensuring the 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 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (b) ibeke esweni ulawulo lwamanxweme kwiphondo ukuqinisekisa ukuba luyamkelwa ngendlela esebenzayo nenempunelelo nangokungqinelana neenjongo zalo Mthetho;
- (c) ibeke esweni imo yokusingqongileyo kwindawo yamanxweme nezinto ezisemgceci ezichaphazela okusingqongileyo, kwaye kupbawulwe nemibandela yephondo engundoqo; 5
- (d) iququzelele ukulungiswa kwengxelo echaza imo yonxweme lwephondo efunwa kwisolotyana la-93(2);
- (e) inike inkxaso csemthethweni neyokuphatha kwiKomiti yamaNxweme yePhondo esekwe ngokungqinelana nesolotyana la-39; 10
- (f) iphonononge iingxelo ezinxulumene nomiselo nolungelelwaniso phantsi kweSahluko 3 okanye eziphathelene nemigaqo-nkqubo enokuchaphazela indawo yamanxweme;
- (g) ikhuthaze, ngokusebenzisana namanye amaqumrhu nemibutho efanelekileyo, iinkqubo zoqeqesho, ezemfundo nezokuvundlisa uluntu ezinxulumene nokhuselo, ulondolozo nokuphuculwa kokusingqongileyo emanxwemeni nokusetyenziswa okuzinzileyo kwemithombo yobutyebi yamanxweme; 15
- (h) ithathe onke amanyathelo avakalayo nasebenzayo ukubeka esweni ukuthotyelwa nokuzalisekiswa kwalo Mthetho, iyodwa okanye ngokusebenzisana nezinye ii-arhente zophumezo; kwaye 20
- (i) yenze nayiphi na eminye imisebenzi eyabelwe yona nguMphathiswa okanye nguMphathiswa wePhondo phantsi kwalo Mthetho.
- (2) INkulumbuso isenokwabela eminye yemisebenzi ekubhekiswe kuyo kwisolotyana lo-(1) nawuphi na umbutho waseburhumenteni, endaweni yokuyabela i-arhente ekhokelayo kwiphondo. 25

Indima ye-3:

Ikomiti zamaNxweme zamaPhondo

Ukusekwa nemisebenzi yeeKomiti zoNxweme zamaPhondo

39. (1) UMphathiswa wePhondo ngamnye kufuneka zingaphelanga iinyanga ezili-12 zokusungulwa kwalo Mthetho aseke iKomiti yamaNxweme yePhondo esenzela iphondo elo. 30
- (2) IKomiti yoNxweme yePhondo kufuneka—
- (a) ikhuthaze ulawulo lwamanxweme olumanyeneyo kwiphondo kwakunye nophumezo olulungeleleneyo nolusebenzayo lwalo Mthetho nenkqubo yolawulo lwamanxweme yephondo; 35
- (b) icebise uMphathiswa wePhondo, i-arhente ekhokelayo yephondo neKomiti yamaNxweme yeSizwe ngemibandela ephathelene nolawulo lwamanxweme kwiphondo;
- (c) icebise uMphathiswa wePhondo ekuphuhliseni, ekugqibezeleni, ekuphononogeni nasekulungiseni inkqubo yolawulo lwamanxweme yephondo; 40
- (d) ikhuthaze inkqubo elungeleleneyo, equkayo nemananyeneyo kulawulo lwamanxweme kwiphondo ngokuba kubekho iqonga elikhuthaza ingxoxo, intsebenziswano nolungelelwaniso phakathi kwemibutho yaseburhumenteni ephambili nabanye abantu ababandakanyekayo kulawulo lwamanxweme ephondo; 45
- (e) ikhuthaze ukumanywa kwemibandela yolawulo lwamanxweme neenjongo zidityaniswe nezicwangciso, iinkqubo nemigaqo-nkqubo zeminye imibutho yaseburhumenteni emisetyenzana yayo ibangela okanye inokubangela iziphumo ezibi kokusingqongileyo emanxwemeni; kwaye
- (f) yenze nawuphi na umsebenzi eyabelwe wona. 50

Ukwakhiwa kweeKomiti zoNxweme zamaPhondo

40. (1) Ngokuxhomekeka kwisolotyana le-(5), uMphathiswa wePhondo kufuneka amisele ukwakhiwa kweKomiti yamaNxweme yePhondo, kwaye ngokwenza njalo kufuneka aqinisekise ukumelwa kwabantu kwiKomiti yamaNxweme yePhondo yemibutho yaseburhumenteni namaqela okanye amaqumrhu asekuhlaleni anomdla ongqalileyo kulondolozo nolawulo lonxweme okanye ukusetyenziswa kwemithombo 55

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

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 persons to the Provincial Coastal Committee who by virtue of the office that they hold or their expertise are able to assist the Provincial Coastal Committee in fulfilling its functions; and 5

(b) when appointing persons in terms of paragraph (a), ensure that the Provincial Coastal Committee includes—

- (i) persons with expertise in fields relevant to coastal management;
- (ii) one or more members representing municipalities in the coastal zone; 10
- (iii) one or more members representing community based and non-government organisations; and
- (iv) one or more members representing scientific or coastal research institutes.

(3) The MEC may, on the basis of the criteria referred to in subsections (1) and (2), 15 appoint—

(a) an alternate member for any member of the Provincial Coastal Committee; and

(b) a replacement for any member who vacates his or her office.

(4) The MEC must, with the consent of the MEC responsible for finance in the province, determine the rate of remuneration and the allowances payable to any member 20 of the Provincial Coastal Committee who is not an employee of an organ of state.

(5) The Director-General may appoint a member of the Department to participate as a non-voting member of a Provincial Coastal Committee and may appoint an alternate 25 or replacement for any such member.

Vacation of office and termination of membership

41. (1) A member of a Provincial Coastal Committee vacates office if he or she—

(a) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the Provincial Coastal Committee;

(b) ceases to hold any office necessary for his or her appointment to the Provincial Coastal Committee; or 30

(c) tenders his or her resignation and the MEC accepts it.

(2) The MEC may terminate membership of the member of the Provincial Coastal Committee where—

(a) he or she fails to perform the duties of a member as required in terms of this Act; 35

(b) he or she obstructs or impedes the Provincial Coastal Committee in the performance of its functions in terms of this Act;

(c) he or she brings the Provincial Coastal Committee into disrepute; or

(d) such termination is in the interest of the public. 40

Part 4

Municipal Coastal Committees

Establishment and functions of municipal coastal committees

42. (1) Each metropolitan municipality and each district municipality that has jurisdiction over any part of the coastal zone may establish a coastal committee for the 45 municipality and, subject to subsection (4), determine its powers.

(2) Any local municipality that has jurisdiction over any part of the coastal zone may establish a coastal committee for the municipality and, subject to subsection (4), determine its powers, which may include the power to establish local subcommittees of 50 the municipal coastal committee.

(3) A municipal coastal committee contemplated in subsections (1) and (2) may include—

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHEHO ODIBENEYO WOLAWULO LONXWEME, 2008

yobutyebi yonxweme kuquka abameli bakarhulumente abafeza indima ebalulekileyo ekwenzeni okanye ekulawuleni imisebenzi enokuba nesiphumo esibi kunxweme.

- (2) UMphathiswa wePhondo makathi—
- (a) onyule abantu beKomiti yoNxweme yePhondo abanokuthi, ngenxa yezikhundla abakuzo okanye ubungcali babo, bancedise iKomiti le ekuzaliseni imisebenzi yayo; kwaye 5
- (b) xa esonyula abantu ngokomhlathi (a), aqinisekise ukuba iKomiti yoNxweme yePhondo iquka—
- (i) abantu abazingcali kwinkalo izihambelana nolawulo lonxweme; 10
- (ii) ilungu okanye amalungu angaphezulu kwesinye amele oomasipala kummandla wonxweme;
- (iii) ilungu elinye okanye angaphezu koko amela imibutho yaseluntwini nengeyokarhulumente;
- (iv) ilungu elinye okanye angaphezu koko amela imibutho yenzulwazi okanye yophengululo ngemicimbi yonxweme. 15
- (3) UMphathiswa wePhondo, angathi, ngokwemigangatho ekubhekiswe kuyo kwisolotyana lo-(1) nele-(2) onyule—
- (a) ilungu eliza kubolekisanana nalo naliphi na ilungu leKomiti yoNxweme yePhondo; kwakunye
- (b) nalowo omakangene endaweni yalo naliphi na ilungu elisishiyayo isikhundla salo. 20
- (4) UMphathiswa wePhondo, makathi ngokuvunyelwa nguMphathiswa wephondo weziMali umlinganiselo wemivuzo nezibonelelo ezihlawulwa naliphi na ilungu leKomiti yoNxweme yePhondo elingengomqeshwa wombutho waseburhulumenteni.
- (5) UMLawuli-Jikelele angonyula ilungu leSebe ukuba lithathe inxaxheba njenge- lungu elingavotiyo leKomiti yamaNxweme yePhondo kwaye angonyula nelungu elibolekisanayo okanye elingena endaweni yalo naliphi na ilungu elinjalo. 25

Ukushiya isikhundla nokupheliswa kobulungu

41. (1) Ilungu leKomiti yoNxweme yePhondo lingasishiya isikhundla ukuba—
- (a) likhubazekile kangokuba alinako ukwenza imisebenzi yalo njenge lungu leKomiti yoNxweme yePhondo; 30
- (b) lithe layeka ukusebenzela i-ofisi emenza akwazi ukonyulwa abelilungu leKomiti yoNxweme yePhondo; okanye
- (c) lithe lafaka isicelo sokushiya ubulungu waza noMphathiswa wePhondo waba ukuvumile oko. 35
- (2) UMphathiswa wePhondo angabuphelisa ubulungu belungu leKomiti yoNxweme yePhondo apho ilungu—
- (a) loyisakalayo ukuphumeza imisebenzi yalo njengoko kulindelekile ngokwemimiselo yalo Mthetho;
- (b) lithintela ukusebenza kweKomiti yoNxweme yePhondo ekusebenzeni ngokwemiqathango yalo Mthetho; 40
- (c) libeka iKomiti yoNxweme yePhondo ehlazweni;
- (d) ukupheliswa kobulungu kungokomdla woluntu jikelele.

INdima ye-4:

Iikomiti zoNxweme zooMasipala 45

Ukusekwa nemibenzi yeekomiti zonxweme zoomasipala

42. (1) Umasipala ngamnye ombhaxa kunye nomasipala ngamnye wesithili onolawulo ngokwasemthethweni phezu kwayo nayiphi na inxalenye yommandla wonxweme angaseka ikomiti yonxweme kamasipala kwaye, ngokuxhomekeke kwisolotyana le-(4), amisele amagunya aloo komiti. 50
- (2) Nawuphi umasipala wasekhaya onolawulo ngokwasemthethweni phezu kwayo nayiphi inxalenye yommandla wonxweme, angaseka ikomiti yamanxweme kamasipala kwaye, ngokuxhomekeke kwisolotyana le-(4), amisele amagunya ayo, amagunya lawo anokuquka igunya lokuseka iikomiti zasekhaya zekomiti yamanxweme kamasipala.
- (3) Ikomiti yamanxweme kamasipala ngokucamngcwe kwisolotyana lo-(1) nele-(2) ingaquka— 55

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (a) persons with expertise in fields relevant to coastal management; and
 - (b) representatives of the management authorities of coastal protected areas or special management areas within the municipality; and
 - (c) representatives of communities or organisations with a particular interest in contributing to effective coastal management, such as port authorities, organs of state, persons whose livelihoods or businesses rely on the use of coastal resources, environmental interest groups and research organisations. 5
- (4) A municipal coastal committee contemplated in subsections (1) and (2) may—
- (a) promote integrated coastal management in the municipality and the co-ordinated and effective implementation of this Act and the municipal coastal management programme; 10
 - (b) advise the municipal manager, the municipal council and the provincial coastal committee on matters concerning coastal management within the area of jurisdiction of the municipal coastal committee;
 - (c) advise the municipality on developing, finalising, reviewing and amending the municipal coastal management programme; 15
 - (d) promote a co-ordinated, inclusive and integrated approach to coastal management within the municipality by providing a forum for, and promoting, dialogue, co-operation and co-ordination between the key organs of state and other persons involved in coastal management within its area of jurisdiction; 20
 - (e) promote the integration of coastal management concerns and objectives into the municipality's integrated development plan and spatial development framework and into other municipal plans, programmes and policies that affect the coastal environment; and 25
 - (f) perform any coastal governance function delegated to it.

Part 5

Voluntary Coastal Officers

Voluntary coastal officers

43. (1) The MEC of a coastal province may appoint any member of the public who has appropriate expertise as a voluntary coastal officer. 30
- (2) A voluntary coastal officer must exercise the powers and perform the duties assigned to him or her by the MEC in a manner that conserves and protects coastal public property.
- (3) The MEC must— 35
- (a) prescribe the powers and duties of voluntary coastal officers;
 - (b) clearly define the responsibilities and duties of each voluntary coastal officer in his or her letter of appointment; and
 - (c) issue each voluntary coastal officer with an identity card that confirms his or her appointment. 40
- (4) A voluntary coastal officer who is exercising powers or performing functions in terms of this Act must produce his or her identity card at the request of a member of the public.

CHAPTER 6

COASTAL MANAGEMENT

45

Part 1

National coastal management programme

Preparation and adoption of national coastal management programme

44. (1) The Minister—

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) abantu abaziingcali kwiinkalo ezihambelana nolawulo lwamanxweme; kwakunye
- (b) nabameli beziphathamandla zolawulo zeendawo ezikhuselweyo zamanxweme okanye iindawo zolawulo ezizodwa kumasipala; kwakunye
- (c) nabameli basekuhlaleni okanye bemibutho abanomdla owodwa wokwenza igalelo kulawulo lwamanxweme olusebenzayo, njengeziphathamandla zamazibuko, imibutho yaseburhulumenteni abantu abampilo zabo okanye amashishini abo axhomekeke ekusetyenzisweni kwemithambo yamanxweme, amaqela anomdla kokusingqongileyo nemibutho yophando. 5
- (4) Ikomiti yamanxweme kamasipala ngokucamngcwe kwisolotyana lo-(1) nele- 10
(2)—
- (a) ingakhuthaza ulawulo lwamanxweme oludibeneyo kumasipala nophumezo olulungeleleneyo nolusebenzayo lwalo Mthetho kwancnkqubo kamasipala yolawulo lwamanxweme;
- (b) ingacebisa umlawuli kamasipala, ibhunga likamasipala nekomiti yamanxweme yephondo kwimibandela ephathelene nolawulo lwamanxweme kwindawo ephantsi kolawulo lwekomiti yamanxweme kamasipala; 15
- (c) icebise umasipala ekuphuhliseni, ekugqibezeleni, ekuphononogeni nasekulongiseni inkqubo kamasipala yolawulo lwamanxweme;
- (d) ikhuthaze inkqubo elungeleleneyo, equkayo nedibeneyo kulawulo lwamanxweme kumasipala ngokuvula iqonga elikhuthaza ingxoxo, intsebenziswano nolungelelwaniso phakathi kwemibutho yaseburhulumenteni ephambili nabanye abantu ababandakanyekayo kulawulo lwamanxweme kwindawo ephantsi kolawulo lwayo; 20
- (e) ikhuthaze ukumanywa kweenkxalabo zolawulo lwamanxweme neenjongo zidityaniswe nesicwangciso sikamasipala sophuhliso oludibeneyo nenkqubo-sikhokelo yophuhliso lwasemoyeni kwanezinye iinkqubo nemigaqo-nkqubo echaphazela okusingqongileyo emanxwemneni; ize 25
- (f) yenze nawuphi na umsebenzi wolawulo owabelwe yona.

INdima ye-5: 30

Amagosa Amanxweme ngokuzoThandela

Amagosa amanxweme ngokuzithandela

43. (1) UMphathiswa wePhondo elinonxweme angonyula naliphi ilungu loluntu elinolwazi olufanelekileyo njengegosa lonxweme lokuzithandela.
- (2) Igosa lonxweme lokuzithandela lingasebenzisa amagunya alo kwaye lenze nemisebenzi eliyinikiweyo nguMphathiswa wePhondo ngendlela elondoloza nekhusele ummandla wonxweme kawonkewonke. 35
- (3) Umphathiswa wePhondo kufuneka—
- (a) amisele amagunya nemisebenzi yamagosa onxweme okuzithandela;
- (b) achaze ngokucacileyo uxanduva nemisebenzi yegosa lonxweme lokuzithandela ngalinye kwincwadi yokuqeshwa kwalo; kwaye 40
- (c) anike igosa lonxweme lokuzithandela ngalinye ikhadi lokuzazisa eliqinisekisa ukuqeshwa kwalo.
- (4) Igosa lonxweme lokuzithandela elisebenzisa amagunya alo okanye elenza imisebenzi ngokwemimiselo yalo Mthetho maliveze ikhadi lokuzazisa xa licelwe lilungu likawonkewonke. 45

ISIAHLUKO 6

ULAWULO LWAMANXWEME

INdima yo-1:

Inkqubo yolawulo lwamanxweme yeSizwe 50

Ukulungiswa nokwamkelwa kwenkqubo yolawulo lwamanxweme yesizwe

44. (1) UMphathiswa—

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (a) must within four years after this Act takes effect, prepare and adopt a national coastal management programme for managing the coastal zone;
 - (b) must review the programme at least once every five years; and
 - (c) may, when necessary, amend the programme.
- (2) Before adopting a programme contemplated in subsection (1)(a), the Minister must by notice in the *Gazette* invite members of the public to submit to the Minister, within 30 days of such notice, written representations on or objections to the programme. 5
- (3) The Minister must, within 60 days of the adoption of the national coastal management programme or of any substantial amendment to it— 10
- (a) give notice to the public—
 - (i) of the adoption of the programme; and
 - (ii) that copies of, or extracts from, the programme are available for public inspection at specified places; and
 - (b) publicise a summary of the programme. 15

Contents of national coastal management programme

- 45.** (1) The national coastal management programme must—
- (a) be a policy directive on integrated coastal management; and
 - (b) provide for an integrated, co-ordinated and uniform approach to coastal management by organs of state in all spheres of government, non-governmental organisations, the private sector and local communities. 20
- (2) The national coastal management programme must include the following components:
- (a) A national vision for coastal management in the Republic, including the sustainable use of coastal resources; 25
 - (b) national coastal management objectives;
 - (c) priorities and strategies to achieve those objectives;
 - (d) performance indicators to measure progress with the achievement of those objectives;
 - (e) norms and standards for the management of— 30
 - (i) the coastal zone generally;
 - (ii) the specific components of the coastal zone; and
 - (f) a framework for co-operative governance to implement measures concerning coastal management that—
 - (i) identifies the responsibilities of different organs of state, including their responsibilities in relation to marginalised or previously disadvantaged communities that are dependent on coastal resources for their livelihood; and 35
 - (ii) facilitates co-ordinated and integrated coastal management.

Part 2 40

Provincial coastal management programmes

Preparation and adoption of provincial coastal management programmes

- 46.** (1) The MEC of each coastal province—
- (a) must within four years of the commencement of this Act, prepare and adopt a provincial coastal management programme for managing the coastal zone in the province; 45
 - (b) must review the programme at least once every five years; and
 - (c) may, when necessary, amend the programme.
- (2) Before adopting a programme contemplated in subsection (1)(a), the MEC must by notice in the *Gazette* invite members of the public to submit to the MEC, within 30 days of such notice, written representations on or objections to the programme. 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) kufuneka ingaphelanga iminyaka emine emva kokuqalisa kwalo Mthetho, alungise kwaye amkele inkqubo yolawulo lwamanxweme yesizwe yokulawula ummandla wamanxweme;
- (b) kufuneka aphonononge inkqubo kube kanye ebuncinaneni emva kweminyaka emihlanu; kwaye 5
- (c) angathi, apho kufunekayo enze izihlomelo kwinkqubo.
- (2) Phambi kokuba ayivume inkqubo ecamngcwe ngokwesolotyana lo-(1)(a), UMphathiswa kufuneka abhengeze kwiPhephandaba loMbuso isaziso esimema uluntu ukuba luzise iziphakamiso ezibhaliweyo malunga noluvo lwalo okanye inkcaso yalo kwinkqubo leyo zingaphelanga intsuku ezingama-30. 10
- (3) UMphathiswa kufuneka zingaphelanga intsuku ezingama-60 zokwamkelwa kwenkqubo yolawulo lonxweme yesizwe okanye nakuphi na ukulungiswa kwayo—
- (a) akhuphe isaziso esiya kuluntu—
- (i) esingokwamkelwa kwenkqubo; kwaye
- (ii) neekopi zayo, okanye izicatshulwa ezithatyathwe kwinkqubo zibe zinokufumaneka kwiindawo ezithile ezixeliweyo ukuze uluntu lukwazi ukuzihlola; kwaye 15
- (b) abhengeze kuwonkewonke isishwankathelo senkqubo.

Okuqulethwe yinkqubo yolawulo lwamanxweme yesizwe

45. (1) Inkqubo yolawulo lwamanxweme yesizwe kufuneka— 20
- (a) ibe ngumgaqo-nkqubo ongolawulo oludibeneyo lwamanxweme; kwaye
- (b) ilungiselele inkqubo edibeneyo, elungeleleneyo nendlela efanayo kulawulo lwamanxweme yimibutho yaseburhulumenteni kuwo onke amazanga karhulumente, kwimibutho engekho phantsi kukarhulumente, icandelo labucala naphakathi kwabahlali bendawo. 25
- (2) Inkqubo yolawulo lwamanxweme yesizwe kufuneka iquke ezi ziqendwana zilandelayo:
- (a) umbono wesizwe wolawulo lwamanxweme kwiRiphabliki, kuqukwa usetyenziso oluzinzileyo lwemithombo yamanxweme;
- (b) iinjongo zesizwe zolawulo lwamanxweme; 30
- (c) oondoqo nezicwangciso-qhinga ukuzuza ezi njongo;
- (d) imikhomba-ndlela yokusebenza ukulinganisela inkqubela-phambili ekuzuzweni kwezo njongo;
- (e) izithethe nemigangatho yokulawula—
- (i) ummandla wamanxweme jikelele; 35
- (ii) iziqqeba ezizodwa zommandla wamanxweme;
- (f) nenkqubo-sikhokelo yolawulo lwentsebenziswano ukuphumeza ulawulo lwamanxweme—
- (i) oluphawula uxanduva lwemibutho yaseburhulumenteni eyahlukeneyo, kuqukwa noxanduva lwawo ngokunxulumene namabutho asekuhlaleni angananzwanga okanye ebefudula ehlelelekile axhomekeke kwimithombo yobutyebi yamanxweme ukuze aphile; kwaye 40
- (ii) incedise ulawulo lwamanxweme olulungeleleneyo noludibeneyo.

INDIMA ye-2:

Inkqubo zolawulo lwamanxweme zamaphondo 45

Ukulungiswa nokwamkelwa kwenkqubo yolawulo lwamanxweme yamaphondo

46. (1) UMphathiswa wePhondo ngalinye lonxweme—
- (a) kufuneka ingaphelanga iminyaka emine emva kosungulo lwalo Mthetho, alungise kwaye amkele inkqubo yolawulo lonxweme yephondo;
- (b) kufuneka aphonononge inkqubo kube kanye ebuncinaneni emva kweminyaka emihlanu; kwaye 50
- (c) angathi, apho kufunekayo enze izihlomelo kwinkqubo leyo.
- (2) Phambi kokuba ayivume inkqubo ngokucamngcwe kwisolotyana (1)(a), UMphathiswa wePhondo kufuneka abhengeze kwiPhephandaba loMbuso isaziso esimema uluntu ukuba luzise iziphakamiso ezibhaliweyo malunga noluvo okanye inkcaso yalo kwinkqubo leyo zingaphelanga intsuku ezingama-30. 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (3) The MEC must, within 60 days of the adoption of the provincial coastal management programme or of any substantial amendment to it—
- (a) give notice to the public—
 - (i) of the adoption of the programme; and
 - (ii) that copies of, or extracts from, the programme are available for public inspection at specified places; and
 - (b) publicise a summary of the programme.
- (4) If the province has a provincial land development plan or an integrated development plan, programme or strategy, its coastal management programme may form part of that plan, programme or strategy.

Contents of provincial coastal management programmes

47. (1) A provincial coastal management programme must—
- (a) be a provincial policy directive for the management of the coastal zone in the province;
 - (b) provide for an integrated, coordinated and uniform approach to coastal management in the province; and
 - (c) be consistent with—
 - (i) the national coastal management programme; and
 - (ii) the national estuarine management protocol.
- (2) A provincial coastal management programme must include—
- (a) a vision for the management of the coastal zone in the province, including the sustainable use of coastal resources;
 - (b) the coastal management objectives for the coastal zone in the province and for specific parts of the coastal zone;
 - (c) priorities and strategies—
 - (i) to achieve the coastal management objectives of the province;
 - (ii) to assist in the achievement of the national coastal management objectives as applicable in the province;
 - (iii) to develop estuarine management plans for estuaries in the province; and
 - (d) performance indicators to measure progress with the achievement of those objectives.
- (3) A provincial coastal management programme may include a programme of projected expenditure and investment by the provincial government in order to implement the provincial coastal management programme.

Part 3

Municipal coastal management programmes

Preparation and adoption of municipal coastal management programmes

48. (1) A coastal municipality—
- (a) must, within four years of the commencement of this Act, prepare and adopt a municipal coastal management programme for managing the coastal zone or specific parts of the coastal zone in the municipality;
 - (b) must review any programme adopted by it at least once every five years; and
 - (c) may, when necessary, amend the programme.
- (2) Before adopting a programme contemplated in subsection (1)(a), a municipality must by notice in the *Gazette* invite members of the public to submit written representations on or objections to the programme in accordance with the procedure contemplated in Chapter 4 of the Municipal Systems Act.
- (3) A municipality must, within 60 days of the adoption of the municipal coastal management programme or of any substantial amendment to it—
- (a) give notice to the public—
 - (i) of the adoption of the programme; and

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

(3) UMphathiswa wePhondo kufuneka zingaphelanga intsuku ezingama-60 zokwamkelwa kwenkqubo yolawulo lonxweme yephondo okanye nakuphi na ukulungiswa kwayo—

- (a) akhuphe isaziso esiya eluntwini—
- (i) esingokwamkelwa kwenkqubo; kwaye 5
 - (ii) neekopi zayo, okanye izicatshulwa ezithatyathwe kwinkqubo zibe zinokufumaneka kwiindawo ezithile ezixeliweyo ukuze uluntu lukwazi ukuzihlola; kwaye
- (b) abhengeze kuwonkewonke isishwankathelo senkqubo.

(4) Ukuba iphondo linesicwangciso sophuhliso-mhlaba sephondo okanye isicwangciso sophuhliso esidibeneyo, inkqubo okanye isicwangciso-qhinga, inkqubo yolawulo lonxweme yephondo ingayinxalenye yeso sicwangciso, inkqubo okanye isicwangciso-qhinga. 10

Okuqulethwe ziinkqubo zolawulo lwamanxweme zamaphondo

47. (1) Inkqubo yolawulo lwamanxweme yamaphondo kufuneka— 15
- (a) ibe ngumgaqo-nkqubo wephondo ongolawulo oludibeneyo lommandla wamanxweme kwiphondo;
 - (b) ilungiselele inkqubo edibeneyo elungeleleneyo nefanayo kulawulo lwamanxweme kwiphondo; kwaye
 - (c) ihambelane— 20
 - (i) nenkqubo yesizwe yolawulo lwamanxweme;
 - (ii) kwanenkqubo yesizwe yolawulo lwamachweba.
- (2) Inkqubo yamaphondo yolawulo lwamanxweme kufuneka iquke—
- (a) umbono wolawulo lwamanxweme kummandla wamanxweme kwiphondo, kuquka usetyenziso oluzinzileyo lwemithombo yamanxweme; 25
 - (b) iinjongo zolawulo lwamanxweme zommandla wamanxweme kwiphondo neyeendawo ezizodwa zommandla wamanxweme;
 - (c) oondoqo nezicwangciso-qhinga—
 - (i) ukuzuza iinjongo zephondo zolawulo lwamanxweme;
 - (ii) ukuncedisa ekuzuzweni kweenjongo zolawulo lwesizwe lwamanxweme ngokokusebenza kwazo kwiphondo; 30
 - (iii) ukuphuhlisa izicwangciso zolawulo lwamachweba kwiphondo;
 - (d) kwanemikhomba-ndlela yokusebenza ukulinganisela inkqubela-phambili ekuzuzweni kwezo njongo.
- (3) Inkqubo yolawulo lwamanxweme yamaphondo ingaquka inkqubo yenkeitho ekucingwa ukuba ingenziwa notyalo-mali ngokunjalo olungenziwa ngurhulumente wephondo ngenjongo yokuphumeza inkqubo yolawulo lwamanxweme yamaphondo. 35

INDIMA ye-3:

Inkqubo zolawulo lwamanxweme zoomasipala

Ukulungiswa nokwamkelwa kweenkqubo zolawulo lwamanxweme zoomasipala 40

48. (1) Umasipala wonxweme—
- (a) kufuneka ingaphelanga iminyaka emine emva kosungulo lwalo Mthetho, alungise kwaye amkele inkqubo yolawulo lonxweme kamasipala okanye iindawo ezizodwa zommandla wonxweme kamasipala;
 - (b) kufuneka aphonononge nayiphi na inkqubo eyamkelweyo ebuncinaneni kube kanye kwiminyaka emihlanu; kwaye 45
 - (c) angathi, apho kufunekayo enze izihlomelo kwinkqubo.
- (2) Phambi kokuba avume inkqubo ngokucamngcwe kwisolotyana (1)(a), umasipala kufuneka abhengeze kwi*Phephandaba loMbuso* isaziso esimema uluntu ukuba luzise iziphakamiso ezibhaliweyo malunga noluvo okanye inkcaso yalo kwinkqubo leyo ngokomgaqo-nkqubo ocamngcwe kwiSahluko 4 soMthetho weZixokelelwano kaMasipala. 50
- (3) UMasipal kufuneka, zingaphelanga iintsuku ezingama-60 zokwamkelwa kwenkqubo yolawulo lonxweme yoomasipala okanye nakuphi na ukulungiswa kwayo— 55
- (a) akhuphe isaziso esiya eluntwini—
 - (i) esingokwamkelwa kwenkqubo; kwaye

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (ii) that copies of, or extracts from the programme are available for public inspection at specified places; and
 - (b) publicise a summary of the programme.
- (4) A municipality may prepare and adopt a coastal management programme as part of an integrated development plan and spatial development framework adopted in accordance with the Municipal Systems Act and if it does so, compliance with the public participation requirements prescribed in terms of the Municipal Systems Act for the preparation and adoption of integrated development plans will be regarded as compliance with public participation requirements in terms of this Act. 5

Contents of municipal coastal management programmes 10

- 49.** (1) A municipal coastal management programme must—
- (a) be a coherent municipal policy directive for the management of the coastal zone within the jurisdiction of the municipality; and
 - (b) be consistent with—
 - (i) the national and provincial coastal management programmes; and 15
 - (ii) the national estuarine management protocol.
- (2) A municipal coastal management programme must include—
- (a) a vision for the management of the coastal zone within the jurisdiction of the municipality, including the sustainable use of coastal resources;
 - (b) the coastal management objectives for the coastal zone within the jurisdiction of the municipality; 20
 - (c) priorities and strategies—
 - (i) to achieve the coastal management objectives of the municipality; and
 - (ii) to assist in the achievement of the national and provincial coastal management objectives as may be applicable in the municipality; 25
 - (iii) to address the high percentage of vacant plots and the low occupancy levels of residential dwellings;
 - (iv) to equitably designate zones as contemplated in section 56(1)(a)(i) for the purposes of mixed cost housing and taking into account the needs of previously disadvantaged individuals; 30
 - (v) to address coastal erosion and accretion; and
 - (vi) to deal with access issues.
 - (d) performance indicators to measure progress with the achievement of those objectives.
- (3) A municipal coastal management programme may include— 35
- (a) a programme of projected expenditure and investment by the municipality in coastal management infrastructure or in order to implement any coastal management programme;
 - (b) a description of specific areas within the coastal zone that require special coastal management, and management strategies for those areas; 40
 - (c) estuarine management plans; and
 - (d) any other matter that may be prescribed.

By-laws

- 50.** A municipality may administer its coastal management programme and may make by-laws to provide for the implementation, administration and enforcement of the coastal management programme. 45

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (ii) iikopi zayo, okanye izicatshulwa ezithatyathwe kwinkqubo zibe ziyafumaneka kwiindawo ezithile ezixeliweyo ukuze uluntu lukwazi ukuzihlola; kwaye

(b) abhengeze kuwonkewonke isishwankathelo senkqubo.

(4) Umasipala angalungisa kwaye amkele inkqubo yolawulo lwamanxweme njengexalenye yesicwangciso sophuhliso esidibeneyo nenkqubo-sikhokelo yophuhliso lwasemoyeni ngokungqinelana noMthetho weZixokelelwano kaMasipala kwaye ukuba iya kwenza oko, ukuvumelana neemfuno zothatho-nxaxheba loluntu ezimiselwe ngokwemimiselo yoMthetho weZixokelelwano kaMasipala kusenzelwa ukulungiswa nokwamkelwa kwezicwangciso zophuhliso ezidibeneyo, kuya kuthathwa njengokuvumelana neemfuno zothatho-nxaxheba loluntu ngokwemimiselo yalo Mthetho. 5 10

Okuqulathwe ziinkqubo zolawulo lwamanxweme zoomasipala

49. (1) Inkqubo yolawulo lwamanxweme kamasipala kufuneka—

(a) ibe ngumgaqo-nkqubo odibeneyo kamasipala ongolawulo lwemimandla yamanxweme ephantsi kolawulo lukamasipala; kwaye 15

(b) ihambelane—

(i) neenkqubo zesizwe nezamaphondo zolawulo lwamanxweme;

(ii) kwanenkqubo yolawulo lwamachweba yesizwe.

(2) Inkqubo yolawulo lwamanxweme kamasipala kufuneka iquke— 20

(a) umbono wolawulo lwamanxweme kummandla wamanxweme ophantsi kolawulo lukamasipala, kuquka usetyenziso oluzinzileyo lwemithombo yobutyebi yamanxweme;

(b) iinjongo zolawulo lwamanxweme kwimimandla yamanxweme ephantsi kolawulo lukamasipala; 25

(c) oondoqo nezicwangciso-qhinga—

(i) ukuzuzwa iinjongo zolawulo lwamanxweme zikamasipala;

(ii) ukuncedisa ekuzuzweni kweenjongo zolawulo lwamanxweme zesizwe nezamaphondo njengoko zingasebenza kumasipala;

(iii) ukunciphisa inani eliphezulu leziza ezingenamntu nokungahlaliwa kwezindlu zokuhlala; 30

(iv) ukwaba ngokulinganayo imimandla njengoko kuxelwe kwicandelo 56(1)(a)(i) ngenjongo yokuba kwakhiwe izindlu zamaxabiso angalinganiyo, kucingelwe iimfuno zabantu abebhelelekile kwixesha elingaphambili; 35

(v) ukulungisa ukukhukuliseka konxweme;

(vi) ukusingatha imibandela yokungena;

(d) kwanemikhomba-ndlela yokusebenza ukulinganisela inkqubela-phambili ekuzuzweni kwezo njongo.

(3) Inkqubo yolawulo lwamanxweme kamasipala ingaquka— 40

(a) inkqubo yenkcitho ekucingwa ukuba ingenziwa notyalo-mali ngokunjalo olungenziwa ngumasipala kulawulo lweziseko emanxwemeni okanye ngenjongo yokuphumeza nayiphi na inkqubo yolawulo lwamanxweme;

(b) ukuchazwa kweendawo ezizodwa ezikwimimandla yamanxweme ezifuna ulawulo lwamanxweme olulodwa nezicwangciso-qhinga zokulawula ezo ndawo; 45

(c) izicwangciso zolawulo lwamachweba; kwakunye

(d) nawo nawuphi na omnye umbandela ongamiselwa.

Imithetho yedolophu

50. UMasipala angalawula inkqubo yakhe yolawulo lonxweme kwaye angezenzela imithetho yakhe yokuphumeza, ukulawula nokuxhasa inkqubo yolawulo lonxweme. 50

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 4

Co-ordination and alignment of plans and coastal management programmes

Alignment of certain plans with coastal management programmes

51. An environmental implementation or environmental management plan in terms of Chapter 3 of the National Environmental Management Act, an integrated development plan in terms of the Municipal Systems Act and a provincial or municipal land development plan must— 5

- (a) be aligned with the national coastal management programme and any applicable provincial coastal management programme;
- (b) contain those provisions of the national coastal management programme and any applicable provincial coastal management programme that specifically applies to it; and 10
- (c) give effect to the national coastal management programme and any applicable provincial coastal management programme. 15

Ensuring consistency between coastal management programmes and other statutory plans 15

52. (1) For the purposes of this section, “statutory plan” means a plan, policy or programme adopted by an organ of state that may affect coastal management, and without limitation, may include—

- (a) an environmental implementation or environmental management plan prepared in terms of Chapter 3 of the National Environmental Management Act; 20
- (b) an integrated development plan adopted by a municipality in terms of the Municipal Systems Act;
- (c) the national biodiversity framework referred to in section 38 of the Biodiversity Act and a bioregional plan prepared in terms of that Act; 25
- (d) a provincial or municipal land development plan;
- (e) a provincial strategic policy and plan concerned with promoting sustainable development; and
- (f) the national estuarine management protocol.

(2) The Minister must ensure that there is consistency between the national coastal management plan and other statutory plans adopted by a national organ of state. 30

(3) The MEC must ensure that there is consistency between the provincial coastal management plan and other statutory plans adopted by either a national or a provincial organ of state.

(4) Each municipality in the coastal zone must ensure that its integrated development plan (including its spatial development framework) is consistent with other statutory plans adopted by either a national or a provincial organ of state. 35

(5) If there is a conflict between the provisions of a coastal management programme and the provisions of another statutory plan, the person responsible under subsections (2), (3) or (4) to ensure consistency must discuss the conflict with the organ of state responsible for that statutory plan in order to resolve the conflict, failing which the conflict must be dealt with in accordance with Chapter 4 of the National Environmental Management Act. 40

(6) Conflicts between a coastal management programme and other statutory plans must be resolved in a manner that best promotes the objects of this Act. 45

(7) Once the parties referred to in subsection (5) have resolved the conflict they must make appropriate amendments to one or more of such conflicting plans.

Indima ye-4:**Ulungelelaniso nokulungelelaniswa koyilo nenkqubo yolawulo lonxweme****Ukulungelelaniswa kwezicwangciso ezithile neenkqubo zolawulo lwamanxweme**

51. Impumezo yokusingqongileyo okanye isicwangciso solawulo lokusingqongileyo ngokwemimiselo yeSahluko 3 soMthetho woLawulo lokusiNgqongileyo weSizwe, isicwangciso esidibeneyo sophuhliso ngokwemimiselo yoMthetho weZixokelelwano kaMaspala, kunye nesicwangciso sophuhliso-mhlaba wephondo okanye lukamaspala kufuneka— 5

- (a) sihambelane nenkqubo yolawulo lwamanxweme yesizwe kunye nayo nayiphi na inkqubo yolawulo lwamanxweme yephondo efanelekileyo; 10
- (b) siqulathe ezo zibonelelo zenkqubo yolawulo lwamanxweme yesizwe kunye nayo nayiphi na inkqubo yolawulo lwamanxweme yephondo chambelana nayo ngokungqalileyo; kwaye
- (c) inike impembelelo kwinkqubo yolawulo lwamanxweme yesizwe nakuyo nayiphi na inkqubo yolawulo lwamanxweme yephondo efanelekileyo. 15

Ukuqinisekiswa kokuvumelana phakathi kweenkqubo zolawulo lwamanxweme nezinye izicwangciso zomthetho

52. (1) Ngeenjongo zeli solotyana "isicwangciso ngokombuso" sithetha isicwangciso, umgaqo-nkqubo okanye inkqubo eyenziwa lilungu lombuso nenokuchaphazela ulawulo lwamanxweme, kwaye ngaphandle kokuthintheleka, sinokubandakanya— 20

- (a) impumezo yokusingqongileyo okanye isicwangciso solawulo lokusingqongileyo ngokwemimiselo yeSahluko 3 soMthetho woLawulo lokusiNgqongileyo weSizwe; 20
- (b) isicwangciso sophuhliso oludibeneyo esithatyathwe ngumaspala ngokwemimiselo yoMthetho weZixokelelwano kaMaspala; 25
- (c) inkqubo-sikhokelo yomxube wendalo yesizwe ekubhekiselwe kuyo kwisolotyana lama-38 loMthetho woMxube weNdalo kunye nesicwangciso seenqila sendalo esilungiswe ngokwemimiselo yaloo Mthetho;
- (d) isicwangciso sophuhliso-mhlaba sephondo okanye sikamaspala;
- (e) umgaqo-nkqubo wesicwangciso-qhinga sephondo nesicwangciso esijoliswe ekukhuthazeni uphuhliso oluzinzileyo; kunye 30
- (f) nenkqubo yokuphatha ulawulo lwamachweba yesizwe.

(2) UMphathiswa makaqinisekise ukuba kukho ukuvumelana phakathi kwesicwangciso solawulo lwamanxweme esizwe kunye nezinye izicwangciso zombuso ezithatyathwe lilungu lombuso. 35

(3) UMphathiswa wePhondo makaqinisekise ukuba kukho ukuvumelana phakathi kwesicwangciso solawulo lwamanxweme amaphondo kunye nezinye izicwangciso zombuso ezithatyathwe lilungu lombuso lesizwe okanye lephondo.

(4) Umaspala ngamnye okummandla wonxweme makaqinisekise ukuba isicwangciso sophuhliso oludibeneyo (kubandakanywa nenkqubo-sikhokelo yophuhliso lwezithuba) sihambisana nezinye izicwangciso zasemthethweni ezivunye lilungu lombutho waseburhulumenteni lesizwe okanye lephondo. 40

(5) Ukuba kukho ungquzulwano phakathi kweziphakamiso zenkqubo yolawulo lonxweme neziphakamiso zesinye isicwangciso sasemthethweni, umntu onoxanduva phantsi kwamapolotyana (2), (3) okanye (4) ukuqinisekisa ukuvumelana makaxoxe ngongquzulwano olo nombutho waseburhulumenteni onoxanduva leso sicwangciso ukuze kusonjululwe ungquzulwano olo, kungenjalo ungquzulwano malusonjululwe ngokweSahluko 4 soMthetho woLawulo lokusiNgqongileyo weSizwe. 45

(6) Ungquzulwano phakathi kwenkqubo yolawulo lonxweme nezinye izicwangciso zasemthethweni mazisonjululwe ngendlela eyiyeyona ikhuthaza imibandela yalo Mthetho. 50

(7) Akuba la maqelq kubhekiswa kuwo kwisolotyana (5) evumelene ngesisombululo kungquzulwano, kufuneka enze izilungiso ezifanelekileyo kwisicwangciso esinye okanye ngaphezulu ukuze kusonjululwe ungquzulwano olo.

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 5

Public participation

Consultation and public participation

53. (1) Before exercising a power, which this Act requires to be exercised in accordance with this section, the Minister, MEC, municipality or other person exercising that power must— 5

- (a) consult with all Ministers, MEC's or municipalities whose areas of responsibilities will be affected by the exercise of the powers in accordance with the principles of co-operative governance as set out in Chapter 3 of the Constitution; 10
- (b) publish or broadcast his or her intention to do so in a manner that is reasonably likely to bring it to the attention of the public; and
- (c) by notice in the *Gazette*—
 - (i) invite members of the public to submit, within no less than 30 days of such notice, written representations or objections to the proposed exercise of power; and 15
 - (ii) contain sufficient information to enable members of the public to submit representations or objections.

Part 6

Review of coastal management programmes 20

Powers of Minister to review coastal management programmes

54. (1) The Minister may at any time review any provincial coastal management programme.

(2) The Minister must, in reviewing the provincial coastal management programme, determine whether or not it— 25

- (a) meets the requirements specified in section 47;
- (b) is consistent with the national coastal management programme;
- (c) gives adequate protection to coastal public property; and
- (d) provides an appropriate policy framework for establishing an effective and efficient system of coastal management. 30

(3) If the Minister believes that a provincial coastal management programme does not meet all the criteria referred to in subsection (2), the Minister must by notice to the MEC of the province concerned, require the MEC to amend or replace the provincial coastal management programme within a reasonable period, which must be specified in the notice. 35

(4) An MEC who receives a notice in terms of subsection (3) must amend or replace the provincial coastal management programme by following the same procedure used to prepare and adopt it in terms of this Act, except that the new or amended coastal management programme may not be finally adopted without the consent of the Minister.

(5) (a) The Minister may request an MEC to review a municipal coastal management programme under section 55. 40

(b) If the MEC is unable or unwilling to review the municipal coastal management programme within a reasonable period, the Minister may do so, in which case section 55 applies with the necessary changes.

Review of municipal coastal management programmes 45

55. (1) The MEC may at any time review a municipal coastal management programme.

INdima ye-5:***Uthatho-nxaxheba luluntu*****Iinkqubo zokubonisana nothatho-nxaxheba luluntu**

53. Phambi kokusebenzisa igunya, nto leyo efunwa ngulo Mthetho ukuze usetyenziswe ngokweli solotyana, uMphathiswa, uMphathiswa wePhondo, umasipala okanye omnye umntu onelo gunya kufuneka— 5

- (a) abonisane noMphathiswa, uMphathiswa wePhondo, umasipala abanoxanduva olunokuchatshazelwa kukusetyenziswa kwamagunya ngokwemigomo yolawulo lokusebenzisa njengoko kucwangciswe kwiSahluko 3 soMgaqosiseko; 10
- (b) abhengeze okanye asasaze iinjongo zokwenza njalo ngendlela efanelekileyo yokutsala umdla woluntu; kwaye
- (c) ngesibhengezo kwiPhephandaba loMbuso—
 - (i) ameme uluntu ukuba, zingaphelanga iinstuku ezingama-30 kubhengeziwe, lufake iziphakamiso ezibhaliwe okanye inkcaso yalo kolo setyenziso magunya lucetywayo; kwaye 15
 - (ii) aqulathe ulwazi olwaneleyo ukulungiselela uluntu ukuba lukwazi ukuphawula.

INdima ye-6:***Uphengululo lweenkqubo zolawulo lonxweme*** 20**Amagunya oMphathiswa okuphengulula iinkqubo zolawulo lwamanxweme**

54. (1) UMphathiswa unako ukuba nangaliphi na ixesha aphengulule nayiphi na inkqubo yolawulo lwamanxweme yephondo.

(2) UMphathiswa kufuneka, xa ephengulula inkqubo yolawulo lwamanxweme, aqwalasele ukuba ingaba luyakwenza na oku kulandelayo okanye hayi— 25

- (a) luyahlangabezana na neemfuno ezikwisolotyana la-47;
- (b) luyahambisana na nenkqubo yolawulo lwamanxweme yesizwe;
- (c) luyalunika na ukhuselo olwaneleyo kummandla wonxweme kawonkewonke; kananjalo
- (d) luyayinika na inkqubo-sikhokelo yomgaqo-nkqubo ofanelekileyo ukwenzela ukuseka isixokelelwano esinamandla nesincomekayo solawulo lwamanxweme. 30

(3) Ukuba ngaba uMphathiswa ukholelwa ekubeni inkqubo yolawulo lwamanxweme yephondo ayihlangabezani nayo yonke imiqathango ekubhekiselelwa kuyo kwisolotyana (2), uMphathiswa kufuneka ngokwenza isaziso kuMphathiswa wePhondo ofanelekileyo, afune ukuba uMphathiswa wePhondo enze isilungiso okanye afake nkqubo yimbi yolawulo lwamanxweme yephondo endaweni yaleyo ibikho ukuze ihlangabezane neemfuno ezixeliweyo kwithuba elamkelekayo, kanti kufuneka oko kuxelwe kwisaziso. 35

(4) UMphathiswa wePhondo ofumene isaziso ngokwemimiselo yesolotyana (3) makeenze isilungiso okanye afake nkqubo yimbi yolawulo lwamanxweme yephondo endaweni yaleyo ibikho ngokulandela kwayona le nkqubo ebisetyenziswe ekuyilungiseni nokuyamkela phantsi kwalo Mthetho, ngaphandle kokuba inkqubo entsha okanye eblaziyiweyo yolawulo lwamanxweme ayinakuvunywa ngaphandle kwemvume yoMphathiswa. 40

(5) (a) UMphathiswa unokucela uMphathiswa wePhondo ukuba aphengulule inkqubo yolawulo lonxweme kamasipala phantsi kwesolotyana lama-55: 45

(b) Ukuba ngaba uMphathiswa wePhondo akakwazi okanye akanathakazelelo lokwenza njalo kwithuba elamkelekayo uMphathiswa unako ukwenza njalo kwaye isolotyana lama-55 liya kusetyenziswa nohlengahlengiso oluyimfuneko. 50

Uphengululo lweenkqubo zolawulo lwamanxweme zikamasipala

55. (1) UMphathiswa wePhondo unakho nangaliphi na ixesha ukuphengulula inkqubo yolawulo lonxweme kamasipala.

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

(2) The MEC must, in reviewing the municipal coastal management programme, determine whether or not it—

- (a) meets the requirements specified in section 49;
- (b) is consistent with the national and the provincial coastal management programmes; 5
- (c) gives adequate protection to coastal public property; and
- (d) was prepared in a manner that allowed for effective participation by interested and affected parties.

(3) If, after considering the advice of the Provincial Coastal Committee, the MEC believes that a municipal coastal management programme does not meet all the criteria referred to in subsection (2), the MEC must, by notice to the municipality concerned, require the municipality to amend or replace the municipal coastal management programme within a reasonable period, which must be specified in the notice. 10

(4) A municipality that receives a notice in terms of subsection (3), must amend or replace the municipal coastal management programme by following the same procedure used to prepare and adopt it in terms of this Act except that the new or amended coastal management programme may not be finally adopted without the consent of the MEC. 15

Part 7

Coastal planning schemes

Planning schemes for areas within coastal zone 20

56. (1) A coastal planning scheme is a scheme that facilitates the attainment of coastal management objectives by—

- (a) defining areas within the coastal zone or coastal management area which may—
 - (i) be used exclusively or mainly for specified purposes or activities; or 25
 - (ii) not be used for specified purposes or activities; and
- (b) prohibiting or restricting activities or uses of areas that do not comply with the rules of the scheme.

(2) A coastal planning scheme must—

- (a) be established by notice in the *Gazette*; 30
- (b) be consistent with—
 - (i) this Act;
 - (ii) the national coastal management programme;
 - (iii) the applicable provincial coastal management programme; and
 - (iv) any estuarine management plan applicable in the area; and 35
- (c) take into account any other applicable coastal management programmes.

(3) A coastal planning scheme may be established and implemented for an area within the coastal zone by—

- (a) the Minister, after consultation with the MEC and with any authority that is responsible for managing an area to which the planning scheme applies, if the planning scheme applies to— 40
 - (i) an area of coastal public property and is established to protect and control the use of marine living resources or to implement national norms or standards; or
 - (ii) an area of the coastal zone that straddles the border between two provinces, or adjoins or straddles the borders of the Republic of South Africa; 45

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (2) UMphathiswa wePhondo kufuneka, xa ephengulula inkqubo yolawulo lonxweme, aqwalasele ukuba ingaba kuyenzeka na okulandelayo okanye hayi—
- (a) ukuthobelana, nokuphembelela iinjongo zalo Mthetho;
 - (b) ukuvumelana neenkqubo zolawulo lwamanxweme ezesizwe nezephondo;
 - (c) ukunika ukhuselo olwaneleyo kummandla wonxwemeni kawonkewonke; 5
kwaye
 - (d) yayilungiswe ngendlela evumela uthatho-nxaxheba encomekayo yamaqela anomdla nachaphazelekayo na.
- (3) Ukuba ngaba, emva kokuqwalasela icebiso leKomiti yamaNxweme yePhondo, uMphathiswa wePhondo ukholelwa ekubeni inkqubo yolawulo lwamanxweme kamasipala ayihlangabezani nayo yonke imiqathango ekubhekiselelwe kuyo kwisolotyana (2), uMphathiswa wePhondo kufuneka, ngokukhuphela umaspala ochaphazelekayo isaziso, afune ukuba umaspala enze isihlomelo okanye afake nkqubo yimbi yolawulo lwamanxweme kamasipala endaweni yaleyo ibikho ukuze ihlangabezane neemfuno zoMphathiswa wePhondo kwithuba elamkelekayo. kanti oko 15 kufuneka kukhankanyiwe kwisaziso.
- (4) Umaspala ofumana isaziso ngokwemimiselo yesolotyana (3) kufuneka enze isilungiso okanye afake nkqubo yimbi yolawulo lwamanxweme endaweni yaleyo ibikho ngokulandela kwayona inkqubo ebisetyenziselwe ukuyilungisa nokuyamkela phantsi kwalo Mthetho ngaphandle kokuba inkqubo yolawulo lwamanxweme 20 ayinakwamkelwa ngokugqibekileyo ngaphandle kwemvume yoMphathiswa wePhondo.

INdima ye-7:

Amalungiselelo okwahlula amanxweme ngokwemimandla

Amalungiselelo okucwangcisa amanxweme ngokwemimandla kummandla wonxweme 25

- 56.** (1) Ulungiselelo lokucwangcisa unxweme ngokwemimandla lulungiselelo oluphumeza ukufumaneka kweenjongo zolawulo lonxweme ngolu hlobo—
- (a) ukuchazwa kwemimandla ekwimimandla yamanxweme okanye ulawulo lommandla wamanxweme onokuthi— 30
 - (i) usetyenziswe ngendlela ekhethekileyo okanye oyena ndoqo ngeenjongo ezixeliweyo okanye imisetyenzana; okanye
 - (ii) ungasetyenziswa ngeenjongo ezixeliweyo okanye imisetyenzana; kuze;
 - (b) kunqandwe okanye kuthintelwe imisetyenzana okanye ukusetyenziswa kwemimandla engayithobeliyo imithetho yolungiselelo. 35
- (2) Ulungiselelo lokucwangcisa amanxweme kufuneka—
- (a) lusekwe ngesaziso kwi*Phephandaba loMbuso*;
 - (b) luvumelane—
 - (i) nalo Mthetho;
 - (ii) nenkqubo yolawulo lwamanxweme yesizwe; 40
 - (iii) nenkqubo efanelekileyo yolawulo lwamanxweme yephondo;
 - (iv) nasiphi isicwangciso esifanelekileyo solawulo lwamachweba kummandla lowo; kwaye
 - (c) luthathele ingqalelo naziphi ezinye iinkqubo zolawulo lwamanxweme ezifanelekileyo. 45
- (3) Ulungiselelo lokucwangciswa kwamanxweme lunokusekwa luphunyezwe ukwenzela ummandla okwimimandla yamanxweme—
- (a) uMphathiswa, emva kokubonisana noMphathiswa wePhondo kunye naye nawuphi umntu osemagunyeni onoxanduva lokulawula ummandla apho ulungiselelo lokucwangcisa lusetyenziswa khona, xa ulungiselelo lokucwangcisa imimandla— 50
 - (i) luscbenza kummandla wonxweme kawonkewonke kwaye lusekelwe ukukhusela nokulawula ukusetyenziswa kwemithombo ephilayo yolwandle okanye kusenzelwa impumezo yezithethe okanye imigangatho; okanye 55
 - (ii) lusebenza kummandla wonxweme ongxabalaze kumda ophakathi kwamaphondo amabini, okanye ongenelela okanye ungxabalaze kwimida yeRiphabliki yoMzantsi Afrika;

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) the person in which the authority to manage a coastal protected area is vested, if the planning scheme only applies within that protected area;
 - (c) the MEC, after consultation with the Minister and any authority that is responsible for managing an area to which the planning scheme applies, if the planning scheme is not one referred to in paragraph (a) or (b) and applies to an area of the coastal zone within the province; 5
 - (d) the municipality, in consultation with the MEC and after consultation with any authority that is responsible for managing an area to which the planning scheme applies, if the planning scheme is not one referred to in paragraphs (a) or (b) and applies to an area falling within its jurisdiction; and 10
 - (e) the management authority of a special management area, in consultation with the MEC and after consultation with the municipality, if the planning scheme only applies within that management area.
- (4) A coastal planning scheme established by—
- (a) the Minister takes precedence over any other coastal planning scheme; 15
 - (b) the person in which the authority to manage a coastal protected area is vested, takes precedence within that protected area over any other coastal planning scheme except one established by the Minister;
 - (c) an MEC takes precedence over any other coastal planning scheme except one established by the Minister or the management authority for a coastal protected area; or 20
 - (d) a municipality takes precedence over any other coastal planning scheme except one established by the Minister or the MEC, or established within a coastal protected area by the management authority for that protected area.
- (5) A coastal planning scheme may only be established with the consent of— 25
- (a) the Minister, if the scheme applies to an area that extends into the sea further than 500 metres from the high-water mark or affects the protection or use of marine living resources; or
 - (b) the Minister of Transport, if the scheme— 30
 - (i) affects the navigation of vessels on the sea; or
 - (ii) restricts vessels entering or leaving a harbour.
- (6) A coastal planning scheme may not create any rights to use land or coastal waters.

Coastal planning and land use schemes of municipalities

57. (1) Subject to section 56(5), a coastal planning scheme of a municipality may form, and be enforced as part of, any land use scheme adopted by the municipality. 35
- (2) (a) A municipality may not adopt a land use scheme that is inconsistent with a coastal planning scheme established in terms of this Act.
- (b) If there is a conflict between a municipal land use scheme established after the commencement of this Act and a coastal planning scheme made in terms of this Act, the coastal planning scheme shall prevail. 40

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) umntu onikwe igunya lokulawula ummandla wamanxweme okhuselweyo ukuba ngaba ulungiselelo lokucwangcisa lusebenza kuphela kuloo mmandla ukhuselweyo;
- (c) uMphathiswa wePhondo, emva kokubonisana noMphathiswa naye nawuphi na umntu osemagunyeni onoxanduva lokulawula ummandla olusebenza kuwo ulungiselelo lokucwangcisa, ukuba ngaba ulungiselelo lokwahlula ngokwemimandla asilulo ekubhekiselelwe kulo kwimihlathi (a) okanye (b) kwaye lusebenza kummandla wamanxweme okwiphondo elo; 5
- (d) umasipala, ngokubonisana noMphathiswa wePhondo nasemva kokubonisana naye nawuphi umntu osemagunyeni onoxanduva lokulawula ummandla apho ulungiselelo lokucwangcisa lusebenza khona, ukuba ulungiselelo lokucwangcisa asilulo ekubhekiselelwe kulo kwimihlathi (a) okanye (b) kwaye lusebenza kummandla ophantsi kwegunya lakhe; kwaye 10
- (e) ugunyaziwe olawulayo wommandla wolawulo ngendlela eyodwa, ngokubonisana noMphathiswa wePhondo nasemva kokubonisana nomaspala, ukuba ulungiselelo lokucwangcisa lusebenza kuphela kummandla lowo wolawulo. 15
- (4) Ulungiselelo lokucwangcisa amanxweme ngokwemimandla olusekiweyo—
- (a) nguMphathiswa ungumalathindlela phezu kwalo naluphi ulungiselelo lokucwangcisa amanxweme; 20
- (b) ngumntu onikwe igunya lokulawula ummandla wamanxweme okhuselweyo, ungumalathindlela phakathi kwaloo mmandla ukhuselweyo ngaphezu kwalo naluphi na olunye ulungiselelo lokucwangcisa ngaphandle kolo lusekwe nguMphathiswa;
- (c) nguMphathiswa wePhondo ongumalathindlela phezu kwalo naluphi na olunye ulungiselelo lokucwangcisa amanxweme ngokwemimandla ngaphandle kolo lusekwe nguMphathiswa okanye ngugunyaziwe olawulayo waloo mmandla ukhuselweyo; okanye 25
- (d) ngumasipala ongumalathindlela phezu kwalo naluphi na olunye ulungiselelo lokucwangcisa amanxweme ngokwemimandla ngaphandle kolo lusekwe nguMphathiswa okanye nguMphathiswa wePhondo, okanye olusekwe kummandla wamanxweme okhuselweyo ngugunyaziwe olawulayo waloo mmandla ukhuselweyo. 30
- (5) Ulungiselelo lokucwangcisa amanxweme ngokwemimandla lunokusekwa kuphela ngemvume— 35
- (a) yoMphathiswa, ukuba ulungiselelo lusebenza kummandla onabela elwandle ngaphaphezu kweemitha ezingama-500 ukusuka kuphawu oluphezulu lwananzi okanye oluchaphazela ukhuselo okanye ukusetyenziswa kwemithombo ephilayo yolwandle; okanye;
- (b) noMphathiswa wezoThutho, ukuba ngaba ulungiselelo— 40
- (i) luchaphazela ukuqhutywa kweenqanawa elwandle; okanye
- (ii) luthintela iinqanawa ezingena nezishiya izibuko.
- (6) Ulungiselelo lokucwangcisa amanxweme alunakudala nawaphi na amanye amalungelo okusebenzisa amanzi akumhlaba owomileyo okanye emanxwemeni.

Amalungiselelo okucwangcisa amanxweme nawosetyenziso-mhlaba oomasipala 45

57. (1) Ngokuxhomekeke kwisolotya lama-56(5), ulungiselelo lokucwangcisa amanxweme ngokwemimandla lukamasipala lunokuba yinxalenye kwaye cnyanzeliswa, yalo naluphi na ulungiselelo losetyenziso-mhlaba oluvunye ngumasipala.

(2) (a) Umasipala makangavumi lungiselelo losetyenziso-mhlaba olungavumelaniyo nolungiselelo lokucwangcisa kwamanxweme ngokwemimandla olwenziwe ngokwemimiselo yalo Mthetho. 50

(b) Xa kukho ngquzulwano phakathi kolungiselelo losetyenziso-mhlaba lukamasipala olusekwe emva kosungulo lwalo Mthetho nolungiselelo lokucwangcisa amanxweme ngokwemimandla olwenziwa ngokwemimiselo yalo Mthetho, ulungiselelo lokucwangcisa amanxweme ngokwemimandla luya kuthatha indawo. 55

CHAPTER 7

PROTECTION OF COASTAL ENVIRONMENT

*Part 1**Assessing, avoiding and minimising adverse effects***Duty to avoid causing adverse effects on coastal environment** 5

58. (1) (a) Section 28 of the National Environmental Management Act applies, subject to the necessary changes, to any impact caused by any person and that has an adverse effect on the coastal environment.

- (b) For the purposes of the application of section 28 a reference in that section to—
- (i) “significant pollution or degradation of the environment” must be read as including an adverse effect on the coastal environment; 10
 - (ii) “environment” must be read as including the coastal environment; and
 - (iii) “environmental management plan” must be read as including a coastal management programme applicable in the area concerned.
- (2) For the purposes of subsection (1)— 15
- (a) the Minister may, by notice in the *Gazette*, determine that an impact or activity described in the notice must be presumed, until the contrary is proved, to result in an adverse effect; and
 - (b) the persons to whom section 28(1) and (2) of the National Environmental Management Act applies must be regarded as including— 20
 - (i) a user of coastal public property;
 - (ii) the owner, occupier, person in control of or user of land or premises on which an activity that caused or is likely to cause an adverse effect occurred, is occurring or is planned;
 - (iii) the owner or person in charge of a vessel, aircraft, platform or structure at sea, or the owner or driver of a vehicle, in respect of which any activity that caused or is likely to cause an adverse effect occurred, is occurring or is planned; 25
 - (iv) the operator of a pipeline that ends in the coastal zone; or
 - (v) any person who produced or discharged a substance which caused, is causing or is likely to cause, an adverse effect. 30

Coastal protection notice and coastal access notice

59. (1) If the Minister has reason to believe that a person is carrying out, or intends to carry out, an activity that is having, or is likely to have, an adverse effect on the coastal environment then, subject to subsection (2), he or she may issue a written coastal protection notice to the person responsible for that activity— 35

- (a) prohibiting the activity if it is not already prohibited in terms of this Act; and
- (b) instructing that person—
 - (i) to take appropriate steps in terms of this Act or any other applicable legislation to protect the environment; 40
 - (ii) to investigate and evaluate the impact of an activity on an aspect of the coastal environment in accordance with Chapter 5 of the National Environmental Management Act; or
 - (iii) to stop or postpone the activity for a reasonable period to allow for the investigation to be carried out and for the Minister or MEC to evaluate the report. 45

(2) Before exercising a power to issue a coastal protection notice under subsection (1), the Minister must—

ISAHLUKO 7

UKHUSELO LOKUNQONGE AMANXWEME

*Indima yo-1**Ukuhlalutya, ukunqanda nokucutha iziphumo ezibi***Umsebenzi wokunqanda ukwenzeka kweziphumo ezibi kokunqongwe unxweme 5**

58. (1) (a) Isolotyama lama-28 loMthetho woLawulo lokusiNgqongileyo weSizwe lisebenza, phantsi kwazo naziphi na iinguqulelo, kuyo nayiphi impembelelo engalunganga ebangwe nguye nawuphi na umntu kummandla wonxweme.

(b) Ngenjongo yokusebenza kwesolotyama lama-28 ngokubhekisela kwelo solotyama—

(i) “ungcoliseko olugabadeleyo okanye ukuthobeka komgangatho wokusingqongileyo”, makufundwe njengokubandakanya isiphumo esibi kokunqongwe amanxweme; 10

(ii) “okusingqongileyo” makufundwe njengokubandakanya okunqongwe amanxweme; kwaye

(iii) “isicwangciso solawulo lokusingqongileyo” masifundwe njengesibandakanya inkqubo yolawulo lwamanxweme esebenziseka kummandla lowo. 15

(2) Bgeenjongo zesolotyama (1)—

(a) uMphathiswa unakho, ukuthi ngesaziso kwi*Phephandaba loMbuso*, agqibe kwelokuba amandla ophembelelo okanye umsetyenzana ochazwe kwisaziso makuthathwe ngokuba, kubanga isiphumo esibi, de kufunyaniswe inyaniso echasa oko; kwaye; 20

(b) abantu isolotyama lama-28(1) no-(2) loMthetho woLawulo lokusiNgqongileyo weSizwe elibachaphazelayo mabathathwe njengababandakanya—

(i) abasebenzisi bemimandla yamanxweme kawonkewonke;

(ii) umnini, umhlali, umntu onolawulo, okanye osebenzisa umhlaba okanye iziphaluka zawo apho umsetyenzana obange okanye onokubanga isiphumo esibi wenzeka khona, wenzeka okanye uchwangciselwe khona; 25

(iii) umnini okanye umntu olawula inqanawa, inqwelomoya okanye iqonga okanye isakhiwo esiselwandle, okanye umnini okanye umqhubi wesithuthi, malunga nawuphi umsetyenzana obange okanye onokubanga isiphumo esibi esenzekileyo, esenzekayo okanye esicwangcisiweyo; 30

(iv) umbhexeshi wenkqubo yemibhobho ephela kummandla wonxweme; okanye;

(v) nawuphi umntu ovelise okuthile okubangele, okubangela okanye okunokubangela isiphumo esibi. 35

Isaziso sokhuselo lwamanxweme nesaziso sokufikelela elunxwemeni

59. (1) Ukuba ngaba uMphathiswa unesizathu sokukholelwa ekubeni umntu wenza, okanye unenjongo yokwenza umsetyenzana onesiphumo esibi okanye ongeba nesiphumo esibi, kokunqongwe amanxweme, ngokuxhomekeke kwisolotyama (2), usenokukhupha isaziso sokhuselo lwamanxweme esibhaliweyo kumntu lowo ujongene naloo msetyenzana— 40

(a) enqanda umsetyenzana lowo ukuba ngaba awukanqandwa ngokwemimiselo yalo Mthetho; aze

(b) anike loo mntu imiyalelo—

(i) yokuthatha amanyathelo afanelekileyo ngokwemimiselo yalo Mthetho okanye nawuphi na omnye umthetho ochaphazekayo ukukhusela okusingqongileyo; 45

(ii) ukuphanda nokuvavanya amandla empembelelo yomsetyenzana malunga nombala wokunqongwe amanxweme ngokweSahluko 5 soMthetho woLawulo lokusiNgqongileyo weSizwe; okanye 50

(iii) ukuyeka okanye ukunqumamisela umsetyenzana lowo ithutyana elamkelekayo ukuze kuqhutywe uphando ukuze uMphathiswa okanye uMphathiswa wePhondo avavanye ingxelo.

(2) Phambi kokusebenzisa igunya lokukhupha isaziso sokhuselo lwamanxweme phantsi kwesolotyama (1), uMphathiswa kufuneka— 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (a) consult with any other organ of state that authorised, or is competent to authorise, the undertaking of the activity or proposed activity concerned; and
(b) give the person to whom the coastal protection notice is to be addressed, an opportunity of making representations.
- (3) Notwithstanding section 87, the power of the Minister to issue a coastal protection notice in terms of subsection (1) may only be delegated to—
- (a) the MEC, who may subdelegate this power to a municipality in that province; or
(b) an official in the Department.
- (4) A coastal protection notice in terms of subsection (1)—
- (a) must state—
- (i) the reasons for the notice;
(ii) the period within which anything required by the notice must be carried out; and
(ii) that the person to whom it is addressed may appeal against the notice in terms of Chapter 9;
- (b) may instruct the person to whom it is addressed, among other matters—
- (i) to build, maintain or demolish any specified works;
(ii) to close a public access or prevent unauthorised access to coastal public property at a specified place;
(iii) to plant, cultivate, preserve or stop damaging indigenous vegetation at a specified place;
(iv) to stop altering the geographical features of land at a specified place;
(v) to build or maintain any specified works at a specified place to protect land from wind erosion;
(vi) to rehabilitate land at a specified place;
(vii) to remove stock from land; or
(viii) to take measures to protect indigenous fauna.
- (5) If the Minister has reason to believe that a person is carrying out, or intends to carry out, an activity that is having, or is likely to have, an adverse effect on the rights of natural persons to gain access to, use and enjoy coastal public property, the Minister may issue a written coastal access notice to that person—
- (a) prohibiting the activity if it is not already prohibited in terms of this Act; and
(b) instructing that person to take appropriate steps in terms of this Act or any other applicable legislation to allow natural persons access to the coastal public property.
- (6) When issuing a notice contemplated in subsection (5), subsections (2), (3) and (4) apply with the necessary changes.

Repair or removal of structures within coastal zone

- 60.** (1) The Minister or MEC, may issue a written repair or removal notice to any person responsible for a structure on or within the coastal zone if that structure—
- (a) is having or is likely to have an adverse effect on the coastal environment by virtue of its existence, because of its condition or because it has been abandoned; or
(b) has been erected, constructed or upgraded in contravention of this Act or any other law.
- (2) Before exercising a power to issue a repair and removal notice under subsection (1), the Minister or MEC must—
- (a) consult with any other organ of state that authorised or is competent to authorise the undertaking of the activity or proposed activity concerned; and
(b) give the person to whom the repair and removal notice is to be addressed an opportunity to make representations.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) abonisane nawo nawuphi na umbutho waseburhulumenteni eligunyazisiweyo okanye elinesakhono sokugunyazisa, ukwenziwa komsetyenzana okanye elindulula umsetyenzana ekubhekiswa kuwo; aze
- (b) anike umntu esibhalelwe yena isaziso sokhuselo lwamanxweme ithuba lokwenza iingcaciso ebhaliweyo. 5
- (3) Nangona ngokwesolotyama lama-87, igunya loMphathisa lokukhupha isaziso sokhuselo lwamanxweme ngokwemimiselo yesolotyana (1) unokwabelana ngalo kuphela—
- (a) noMphathiswa wePhondo, naye onokwabelana ngegunya nomaspala kwelo phondo; okanye 10
- (b) igosa kwiSebe.
- (4) Isaziso sokhuselo lwamanxweme ngokwemimiselo yesolotyana (1)—
- (a) masixele—
- (i) izizathu zesaziso;
- (ii) ithuba lokwenziwa kwayo nayiphi na into efuneka kwisaziso; kwaye 15
- (iii) ukuba umntu lowo ekubhalelwe yena unakho ukwenza isibheni malunga nesaziso eso ngokwemimiselo yeSahluko 9;
- (b) sinokuyalela umntu esibhalelwe yena, phakathi kweminye imibandela—
- (i) ukwakha, ukulondoloza okanye ukuchitha nayiphi na imisebenzi exeliweyo; 20
- (ii) ukuvala ufikelelo kuwonkewonke okanye ukuthintela ufikeleleko olungagunyaziswanga kummandla wonxweme kawonkewonke kwindawo exeliweyo;
- (iii) ukutyala, ukulima, ukugcina okanye ukuyeka ukutshabalalisa izityalo eziyinkulelane yalo ndawo ixeliweyo; 25
- (iv) ukuyeka ukuguqula iimpawu zelizwe emhlabeni kulo ndawo ixeliweyo;
- (v) ukwakha okanye ukugcina nayiphi na imisebenzi exeliweyo kulo ndawo ixeliweyo yokukhusela umhlaba kukhukuliseko lomoya;
- (vi) ukubuyisela umhlaba kwisimo sakuqala kulo ndawo ixeliweyo;
- (vii) ukushenxisa impahla egciniweyo emhlabeni; okanye 30
- (viii) ukuthatha amanyathelo okukhusela izilo zonke eziyinkulelane yeli lizwe.
- (5) Ukuba ngaba uMphathiswa unesizathu sokukholelwa ekubeni umntu wenza, okanye unenjongo yokwenza, umsetyenzana onesiphumo esibi, okanye onokubangela isiphumo esibi kumalungelo abantu bendalo ukuze afikelele, asebenzise aze axhamle ummandla wonxwemeni kawonkewonke, ngoko ke uMphathiswa unako ukukhupha isaziso sofikelelo enxwemeni esibhaliweyo abhalele loo mntu: 35
- (a) enqanda umsetyenzana lowo ukuba ubungekanqandwa ngokwemimiselo yalo Mthetho; kananjalo
- (b) eyalela loo mntu ukuba athathe amanyathelo afanelekileyo ngokwemimiselo yalo Mthetho okanye ngokwawo nawuphi na omnye umthetho ochaphazelekayo ukuvumela ufikelelo lwabantu bendalo ufikelelo kummandla wonxweme kawonkewonke. 40
- (6) Xa ukhupha isaziso esicamngcwe kwisolotyana (5), isolotyana (2), (3) nele-(4) zisetyenziswa neenguquko eziyimfuneko. 45

Ukukhanda nokushenxisa izakhiwo kummandla wamanxweme

- 60.** (1) Umphathiswa okanye uMphathiswa wePhondo, unokunika isaziso esibhaliweyo sokukhanda okanye sokushenxisa kuye nabani na onolawulo lwesakhiwo kummandla wamanxweme ukuba eso sakhiwo—
- (a) sinesiphumo esibi okanye singanaso kokungqonge amanxweme, ngenxa yobukho baso, ngenxa yemeko yaso, okanye ngenxa yokulahlwa; okanye 50
- (b) sigxunyekwe, sakhiwe okanye sihlaziye ngendlela ephikisana nawo nawuphi na uMthetho okanye nawuphi na omnye umthetho.
- (2) Phambi kokusebenzisa igunya lokukhupha isaziso sokukhanda nokushenxisa phantsi kwesolotyana (1), uMphathiswa okanye uMphathiswa wePhondo kufuneka— 55
- (a) abonisane nawo nawuphi na umbutho waseburhulumenteni ogunyazise okanye onesakhono sokugunyazisa, ukwenziwa komsetyenzana okanye komsetyenzana ondululwayo ekubhekiselelwa kuwo; aze
- (b) anike umntu esibhalelwe kuye isaziso sokukhanda nesokushenxisa ithuba lokwenza iingcaciso ebhaliweyo. 60

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (3) Notwithstanding section 89 the power instead of issuing a notice in accordance with subsection (4) of the Minister to issue a repair and removal notice in terms of subsection (1) may only be delegated to—
- (a) the MEC who may subdelegate this power to a municipality in that province; or
 - (b) an official in the relevant department. 5
- (4) A repair and removal notice in terms of subsection (1)—
- (a) must state—
 - (i) the reasons for the notice; and
 - (ii) that the person to whom it is addressed may appeal against the notice in terms of Chapter 9; and 10
 - (b) may instruct the person responsible for the structure—
 - (i) to remove the structure from the coastal zone or place where it is situated within a specified period;
 - (ii) to rehabilitate the site and as far as is reasonable, to restore it to a natural state; 15
 - (iii) to repair the structure to the satisfaction of the Minister or the MEC within the time stated in the notice; or
 - (iv) to take any other appropriate steps in terms of this Act or any other applicable legislation to secure the removal or repair of the structure. 20
- (5) If a person responsible for a structure referred to in subsection (1) cannot readily be found, the Minister or the MEC, instead of issuing a notice in accordance with subsection (4), may—
- (a) publish a notice that complies with the provisions of subsection (2) once in the *Gazette* and once a week for two consecutive weeks in a newspaper circulating in the area in which the structure in question is situated; and 25
 - (b) affix a copy of the notice to the structure in question during the period of advertisement.

Failure to comply with certain notices

- 61.** If a person fails to comply with a notice issued in terms of section 59(1) or (5) or section 60(1) which requires that person to carry out any specific action, or if the person responsible is not identified after publication of a notice in terms of section 60(5), the Minister or the MEC who issued the notice may instruct appropriate persons to—
- (a) carry out what is required by the notice; and
 - (b) recover from the person to whom the notice was addressed, or in the circumstances referred to in section 60(4) from any person subsequently found to be responsible for the structure, the costs reasonably incurred in carrying out the required action. 35

Part 2

Regulation of coastal zone 40

Implementation of land use legislation in coastal protection zone

- 62.** (1) An organ of state that is responsible for implementing national, provincial or municipal legislation that regulates the planning or development of land must, in a manner that conforms to the principles of co-operative governance contained in Chapter 3 of the Constitution, apply that legislation in relation to land in the coastal protection zone in a way that gives effect to the purposes for which the protection zone is established as set out in section 17. 45
- (2) An organ of state may not authorise land within the coastal protection zone to be used for any activity that may have an adverse effect on the coastal environment without first considering an environmental impact assessment report. 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (3) Nangona ngokwesoloty lama-87, igunya loMphathiswa lokunika isaziso sokukhanda nesokushenxisa ngokwemimiselo yesolotyana (1) linokwabelwa kuphela—
- (a) uMphathiswa wePhondo onokuthi naye abelane ngeli gunya nomaspala welo phondo; okanye
- (b) igosa kwisebe elichaphazelekayo. 5
- (4) Isaziso sokukhanda nesokushenxisa ngokwemimiselo yesolotyana (1)—
- (a) masixele:
- (i) izizathu zesaziso; kwaye
- (ii) umntu ekubhalelwe yena unako ukwenza isibheni malunga nesaziso ngokwemimiselo yeSahluko 9; kwaye 10
- (b) unokukuyalelo umntu onolawulo lwesakhiwo eso:
- (i) ukuba ashenxise isakhiwo kummandla wonxweme okanye sibekwe apho sikhoyo kwithuba elixeliweyo;
- (ii) ukuba abuyisele kwisimo sakuqala isiza kwaye kangangoko kwamkelekayo, ukusibuyisela kwisimo saso sendalo; 15
- (iii) ukuba akhande isakhiwo ukuze sanelise uMphathiswa okanye uMphathiswa wePhondo kwixesha elixelwe kwisaziso; okanye
- (iv) ukuba athathe nawaphi na amanye amanyathelo afanelekileyo ngokwemimiselo yalo Mthetho okanye nawuphi na omnye umthetho ochaphazelekayo ukuqinisekisa ukushenxiswa nokukhandwa kwesakhiwo. 20
- (5) Ukuba ngaba umntu onolawulo lwesakhiwo ekubhekiselelwe kuso kwisolotyana (1) akakwazi kufumaneka kwangoko, endaweni yokukhupha isaziso ngokwesolotyana (4), uMphathiswa okanye uMphathiswa wePhondo unakho—
- (a) ukupapasha isaziso esithobelana nezibonelelo zesolotyana (2) kube kanye kwiPhephandaba loMbuso ize kanye ngeveki kwiiveki ezimbini ezilandelelanayo kwiphephandaba elifumaneka kuloo mmandla apho isakhiwo ekuthethwa ngaso simi khona; aze 25
- (b) anamathelise ikopi yesaziso kwisakhiwo ekuthethwa ngaso ngethuba lopapasho. 30

Ukusilela ukuthobela izaziso ezithile

- 61.** Ukuba ngaba umntu uyasilela ukuthobela isaziso esikhutshwe ngokwemimiselo yesolotyama-59(1) okanye le-(5) okanye isolotyama-60(1) elifuna ukuba umntu aphumeze naliphi inyathelo elingqalileyo, okanye ukuba umntu onolawulo akachongwanga emva kopapasho lwesaziso ngokwemimiselo yesolotyama-60(5), uMphathiswa okanye uMphathiswa wePhondo okhuphe isaziso unakho ukuyalela abantu abafanelekileyo— 35
- (a) ukuba baphumeze okufunwa sisaziso, kunye
- (b) nokufuna kumntu obebhalelwe isaziso, okanye phantsi kweemeko ekubhekiselelwe kuzo kwisolotyama-60(4) kumntu ofunyaniswe enoxanduva lwesakhiwo eso, iindleko ezamkelekileyo ezidaleke ngenxa yokuphumeza umsebenzi obufanelekile ngenxa yelo nyathelo. 40

INDIMA YE-2:

Ulawulo lommandla wonxweme

Impumezo yomthetho wokusebenzisa umhlaba kummandla wokhuselo lonxweme 45

- 62.** (1) Umbutho waseburhulumenteni onoxanduva lokuphumeza umthetho wesizwe, wamaphondo okanye womasipala olawula isicwangciso okanye uphuhliso lomhlaba kufuneka, ngendlela ehambisana nemigomo yolawulo lwentsebenziswano oluqulathwe kwiSahluko 3 soMgaqo-siseko, mawusebenzise loo mthetho ngokumalunga nomhlaba kummandla wokhuselo lwamanxweme ngendlela enika impembelelo kwiinjongo elisekelwe yona ukhuselo lommandla wonxweme njengoko kubhaliwe kwisolotyama le-17. 50
- (2) Umbutho waseburhulumenteni awunakho ukugunyazisa umhlaba kummandla wokhuselo wamanxweme ukuba usetyenziselwe nawuphi na umsetyenzana onokuba nesiphumo esibi kokungqonge amanxweme ngaphandle kokuqala uthathele ingqalelo ingxelo yovavanyo enamandla ophembelelo kokuwangqongileyo. 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 3

Environmental authorisations

Environmental authorisations for coastal activities

- 63.** (1) Where an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act is required for coastal activities, the competent authority must take into account all relevant factors, including— 5
- (a) the representations made by the applicant and by interested and affected parties;
 - (b) the extent to which the applicant has in the past complied with similar authorisations; 10
 - (c) whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas;
 - (d) the estuarine management plans, coastal management programmes and coastal management objectives applicable in the area; 15
 - (e) the socio-economic impact if the activity—
 - (i) is authorised;
 - (ii) is not authorised;
 - (f) the likely impact of the proposed activity on the coastal environment, including the cumulative effect of its impact together with those of existing activities; 20
 - (g) the likely impact of coastal environmental processes on the proposed activity; and
 - (h) the objects of this Act, where applicable. 25
- (2) The competent authority may not issue an environmental authorisation if the development or activity for which authorisation is sought—
- (a) is situated within coastal public property and is inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations; 30
 - (b) is situated within the coastal protection zone and is inconsistent with the purpose for which a coastal protection zone is established as set out in section 17;
 - (c) is situated within coastal access land and is inconsistent with the purpose for which coastal access land is designated as set out in section 18;
 - (d) is likely to cause irreversible or long-lasting adverse effects to any aspect of the coastal environment that cannot satisfactorily be mitigated; 35
 - (e) is likely to be significantly damaged or prejudiced by dynamic coastal processes;
 - (f) would substantially prejudice the achievement of any coastal management objective; or 40
 - (g) would be contrary to the interests of the whole community.
- (3) Notwithstanding subsection (2), the competent authority may issue an environmental authorisation in respect of an activity or a development that does not meet the criteria referred to in subsection (2)(a), (b) or (c) if—
- (a) the very nature of the proposed activity or development requires it to be located within coastal public property, the coastal protection zone or coastal access land; or 45
 - (b) the proposed activity or development will provide important services to the public when using coastal public property, the coastal protection zone, coastal access land or a coastal protected area. 50

INdima ye-3:**Ugunyaziso oludibeneyo lokusingqongileyo****Ugunyaziso oludibeneyo lokungqonge imisetyenzana yamanxweme**

63. (1) Apho ugunyaziso oludibeneyo lokusingqongileyo ngokwemimiselo 5
ycSahluko 5 soMthetho woLawulo lokusiNgqongileyo weSizwe lufuneka khona
ukwenzela imisetyenzana yamanxweme, usomagunya onesakhono makathathele
ingqalelo yonke imibandela efanelekileyo, kuquka:

- (a) iingcaciso ezibhaliweyo ezenziwe ngumfaki-sicelo nangamaqela anomdla nachaphazelekayo;
 - (b) umda apho umfaki-sicelo athe kwixesha elidlulileyo wathobela iziganeko 10
zogunyaziso ezifana nesi;
 - (c) ukuba ingaba ummandla wamanxweme kawonkewonke, ummandla wokhuselo wamanxweme okanye umhlaba wokufikelela enxwemeni uya kuchaphazeleka, kanti ukuba kunjalo, umda apho uphuhliso olundululwayo okanye umsetyenzana uvumelana nenjongo ngokuseka nangokukhusela loo 15
mimandla;
 - (d) izicwangciso zolawulo lwamachweba, iinkqubo zolawulo lwamanxweme neenjongo zolawulo lwamanxweme ezisebenziseka kulo mmandla;
 - (e) amandla ophembelelo kwezentlalo-luqoqosho ukuba ngaba umsetyenzana— 20
 - (i) ugunyazisiwe;
 - (ii) awugunyaziswanga;
 - (f) amandla ophembelelo anokubakho omsetyenzana ondululwayo kokungqonge amanxweme kuquka iziphumo ezicukanayo zamandla eempembelelo kunye nezozemisetyenzana esele ikho;
 - (g) amandla ophembelelo anokubakho eenkqubo zokungqonge amanxweme 25
malunga nomsetyenzana ondululweyo; kunye
 - (h) neenjongo zalo Mthetho, apho kufanelleke khona.
- (2) Isiphathamandla esinegunya masingakhuphi sigunyazisi esidibeneyo sokusingqongileyo ukuba ngaba uphuhliso okanye umsetyenzana isigunyazisi 30
esifunelwa wona—
- (a) uphakathi kommandla wonxweme kawonkewonke kwaye awuvumelani nenjongo yolondolozo nokuphuculwa kommandla wonxweme kawonkewonke ukwenzela inzuzo yezizukulwana zexesha langoku nelizayo;
 - (b) uphakathi kommandla wokhuselo lwamanxweme kwaye awuvumelani nenjongo osekelwe yona ummandla wokhuselo lwamanxweme njengoko 35
kuchazwe kwisolotyana le-17;
 - (c) uphakathi komhlaba wofikelelo enxwemeni kwaye awuvumelani nenjongo oyilelwe yona umhlaba wofikelelo emanxwemeni njengoko kuchazwe kwisolotyana le-18;
 - (d) kunokwenzeka ukuba ube neziphumo ezibi ezingenakuphinda zijikwe okanye 40
eziyakuthatha ithuba elide kuwo nawuphi umba wokungqonge amanxweme nongenakuthomalaliswa ngokwanelisayo;
 - (e) unokonakaliseka kakhulu okanye wonakaliswe ziinkqubo zokungqonge amanxweme;
 - (f) unokonakalisa kakhulu impumezo yayo nayiphi na injongo yolawulo 45
lwamanxweme; okanye
 - (g) uyakuchasana nemidla yoluntu ngokubanzi.
- (3) Nakubeni kukho oko kutshiwo lisolotyana le-2, isiphathamandla esinegunya nesinesakhono sinokukhupha ugunyaziso oludibeneyo lokusingqongileyo olugunyazisi 50
umsetyenzana okanye uphuhliso olungahlangabezani nemiqathango ekubhekiselwe kuyo kwisolotyana le-(2)(a), (b) okanye (c) ukuba ngaba—
- (a) uqobo lohlobo lomsetyenzana ondululweyo okanye uphuhliso luwufuna ukuba ube phakathi kommandla wonxweme kawonkewonke, ummandla wokhuselo lwamanxweme, okanye umhlaba wofikelelo emanxwemeni; 55
okanye
 - (b) umsetyenzana ondululwayo okanye uphuhliso luya kunika iinkonzo ezibalulekileyo kuwonkewonke xa usebenzisa ummandla wonxweme kawonkewonke, ummandla wokhuselo lwamanxweme, umhlaba wofikelelo lwamanxwemeni okanye ummandla okhuselweyo wamanxweme.

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(4) If an application for an environmental authorisation cannot be approved by the competent authority because of a provision of subsection (2), but the competent authority believes that issuing the authorisation would be in the public interest, the competent authority may refer the application for consideration by the Minister in terms of section 64. 5

(5) The competent authority must ensure that the terms and conditions of any environmental authorisation are consistent with any applicable coastal management programmes and promote the attainment of coastal management objectives in the area concerned.

(6) Where an environmental authorisation is not required for coastal activities, the Minister may, by notice in the *Gazette* list such activities requiring a permit or licence. 10

Minister may grant environmental authorisation in interests of whole community

64. (1) If an application for an environmental authorisation is referred to the Minister in terms of section 63(4) the Minister may, after consultation with the MEC of the relevant province, issue or authorise the other relevant competent authority to issue the environmental authorisation— 15

(a) if the activity for which the environmental authorisation is required is overwhelmingly in the interests of the whole community despite the adverse effect it is likely to cause to the coastal zone; and

(b) on condition that any irreversible or long-lasting adverse effects must be mitigated as far as is reasonably possible. 20

(2) Before deciding the application, the Minister may require the applicant to furnish additional information, including the results of any further studies undertaken.

Part 4

Coastal leases and coastal concessions on coastal public property 25

Award of leases and concessions on coastal public property

65. (1) Subject to sections 67 and 95, no person may occupy any part of, or site on, or construct or erect any building, road, barrier or structure on or in, coastal public property except under and in accordance with a coastal lease awarded by the Minister in terms of this Chapter. 30

(2) Subject to section 95, no person may claim an exclusive right to use or exploit any specific coastal resource in any part of, or that is derived from, coastal public property unless he or she—

(a) is empowered by national legislation to do so; or

(b) is authorised to do so in terms of— 35

(i) a coastal concession awarded by the Minister in terms of this Chapter; or

(ii) an authorisation issued under the Marine Living Resources Act.

(3) A coastal lease or coastal concession may be awarded by the Minister either—

(a) on application by a person; or

(b) if the Minister so determines in any specific case, through a prescribed bid process. 40

(4) An application for a coastal lease or coastal concession must be lodged in the prescribed manner.

(5) A coastal lease or coastal concession awarded in terms of this Chapter does not relieve the lessee or concessionaire from the obligation to— 45

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

(4) Ukuba ngaba isicelo sogunyaziso oludibeneyo lokusingqongileyo asikwazi kwamkelwa sisiphathamandla esinegunya nesakhono ngenxa yomqathango wesolotyana le-(2), kodwa isiphathamandla esinegunya nesakhono sikholelwa ekubeni ukukhupha ugunyaziso kuya kuba kumdlala kawonkewonke, isiphathamandla esinegunya sinokudlulisela isicelo eso ukuba siqwalaselwe nguMphathiswa ngokwemimiselo yesolotyana la-64. 5

(5) Isiphathamandla esinegunya nesinesakhono kufuneka siqinisekise ukuba imimiselo nemiqathango yalo naluphi na ugunyaziso oludibeneyo lokusingqongileyo lungqinelana nazo naziphi iinkqubo zolawulo lwamanxweme ezifanelekileyo kwaye lukhuthaza ukufikeleleka kweenjongo zolawulo lwamanxweme kummandla ekubhekiselelwe kuwo. 10

UMphathiswa unokukhupha ugunyaziso oludibeneyo lokusingqonge ngokomdla woluntu luphelele

64. (1) Ukuba ngaba isicelo esifakiweyo sogunyaziso oludibeneyo lokusingqongileyo sithunyelwe kuMphathiswa ngokwemimiselo yesolotyana la-63(4) uMphathiswa unakho, emva kokubonisa noMphathiswa wePhondo kwiphondo elichaphazelekayo, ukukhupha okanye ukugunyazisa isiphathamandla esinegunya elifanelekileyo ukuze sikhuphe ugunyaziso oludibeneyo lokusingqongileyo— 15

(a) ukuba ngaba umsetyenzana ugunyaziso oludibeneyo lokusingqongileyo olufunelwa wona luyoyisa ngokomdla woluntu luphelele nangona lukhangeleka lunokubangela isiphumo esibi kummandla wonxweme; kananjalo 20

(b) ngaphandle kokuba naziphi na iziphumo ezibi ezingenakujikwa okanye ezithatha ithuba elide zingathomalaliswa kangangoko kunokwenzeka ngendlela cyamkelekayo. 25

(2) Phambi kokuthatha isigqibo ngesicelo eso, uMphathiswa unokufuna ukuba umfaki-sicelo anikele ngeenkukhacha ezongezelelweyo, kubandakanywa iziphumo zazo naziphi iintlobo zofundonzulu ezenziweyo.

Indima ye-4

Ukuqeshiswa konxweme nonikezelo kummandla wonxweme kawonkewonke 30

Ukunikezelwa kweempepha-mvume zokuqeshisa noninikezelo lommandla wonxweme kawonkewonke

65. (1) Phantsi kwesolotyana la-67 nela-96, akukho mntu unokuhlala nakweyiphi na inxalenye, okanye isiza, okanye akhe okanye agxumeke nasiphi isakhiwo, indlela, isithintelo okanye isakhiwo ngaphezu okanye ngaphakathi kummandla wonxweme kawonkewonke ngaphandle kwempepha-mvume yoqeshiso ekhutshwe nguMphathiswa ngokwemimiselo yesi Sahluko. 35

(2) Phantsi kwesolotyana la-96, akukho mntu unokubanga ilungelo elikhethekileyo lokusebenzisa okanye lokuxhamla nawuphi umthombo wobutyebi ongqale elunxwemeni nakweyiphi na inxalenye okanye oko kuvela kummandla wonxweme kawonkewonke ngaphandle kokuba— 40

(a) unikwe igunya ngumthetho wesizwe ukuba enze njalo; okanye

(b) ugunyaziswe ukuba enze njalo ngokwemimiselo—

(i) yonikezelo lonxwemeni olunikezelwa nguMphathiswa ngokwemimiselo yesi Sahluko; okanye 45

(ii) yogunyaziso olunikezelwa phantsi koMthetho weMithombo yeziNto eziPhilileyo zaseLwandle.

(3) Ukuqeshisa kwaselunxwemeni okanye ukunikezela kwaselunxwemeni kunokunikezelwa nguMphathiswa mhlawumbi—

(a) ngokwesicelo esifakwe ngumntu; okanye 50

(b) ukuba ngaba uMphathiswa ugqiba ngolo hlobo kuyo nayiphi na imeko engqalileyo, ngenkqubo emiselweyo yokunika ixabiso.

(4) Isicelo sokuqeshisa kwasemanxwemeni okanye ukunikezela kwaselunxwemeni masenziwe ngendlela emiselweyo.

(5) Uqeshiso lwaselunxwemeni okanye ukunikezela kwaselunxwemeni okunikezelwa ngokwemimiselo yesi Sahluko akumphumzi umqeshiswa okanye umnikezelwa kwimfanelo yo— 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (a) obtain any other authorisation that may be required in terms of this Act or other legislation; or
- (b) comply with any other legislation.

Terms of coastal leases and coastal concessions

- 66.** (1) A coastal lease or coastal concession— 5
- (a) must be awarded for a fixed period of time of not more than 20 years;
 - (b) is subject to any prescribed conditions or as may be determined by the Minister in any specific case; and
 - (c) must provide for the payment by the lessee or concessionaire of a reasonable rent. 10
- (2) A coastal lease or coastal concession on land that is partially or completely submerged by coastal waters may authorise the lessee to use the water either exclusively or for specified purposes.

Part 5

General provisions 15

Temporary occupation of land within coastal zone

- 67.** (1) Subject to the Expropriation Act, 1975 (Act No. 63 of 1975), the Minister may direct that land within the coastal zone be temporarily occupied to build, maintain or repair works to implement a coastal management programme, or to respond to pollution incidents or emergency situations, and may for this purpose— 20
- (a) take from the land stone, gravel, sand, earth or other material;
 - (b) deposit materials on it; and
 - (c) construct and use temporary works on it, including roads.
- (2) Notwithstanding section 89, the powers of the Minister in terms of subsection (1) may be delegated to— 25
- (a) the MEC, who may subdelegate this power to a municipality in that province; or
 - (b) an official in that Department.
- (3) If the land is private property, the Minister or the MEC, acting in terms of subsection (1), must, before the land is occupied, give the occupier and the owner of the land reasonable notice, in writing, of the intention to occupy and the purpose of the occupation. 30

Amendment, revocation, suspension or cancellation of authorisations

- 68.** (1) An issuing authority may amend, revoke, suspend or cancel an authorisation issued in terms of this Act, if— 35
- (a) the holder of the authorisation contravenes or fails to comply with a condition subject to which the authorisation was issued;
 - (b) it is in conflict with a coastal management programme or will significantly prejudice the attainment of a coastal management objective;
 - (c) changes in circumstances require such amendment, revocation, suspension or cancellation; or 40
 - (d) it is necessary to meet the Republic's international obligations.
- (2) An issuing authority must by written notice delivered to the holder of the authorisation, or sent by registered post to the holder's last known address, request the holder to make written representations within a period of 30 days from the date of the notice as to why the authorisation should not be amended, revoked, suspended or cancelled, as the case may be. 45

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) kufumana naluphi na olunye ugunyaziso olunokufuneka ngokwemimiselo yalo Mthetho okanye omnye umthetho; okanye
 (b) kuthobela nawuphi na omnye umthetho.

Imigqaliselo yeziqeshiso zaselunxwemeni nonikezelo lwaselunxwemeni

66. (1) Uqeshiso lwaselunxwemeni okanye unikezelo lwaselunxwemeni— 5
 (a) malunikezelwe isithuba sexesha elisisigxina elingekho ngaphezulu kweminyaka engama-20;
 (b) luphantsi kwayo nayiphi na imeko emiselweyo okanye lunokwalathwa nguMphathiswa ngokwemeko nganye engqalileyo; kwaye
 (c) maluchaze intlawulo eyenziwa ngumqeshiswa okanye ngumnikezelwa intlawulo yengqesho eyamkelekileyo. 10
 (2) Ukuqeshisa kwaselunxwemeni okanye unikezelo lwaselunxwemeni emhlabeni ongene ngokungaphelelanga okanye ngokupheleleyo emanzini onxweme kunokugunyazisa umqeshiswa ukuschenzisa amanzi angaphezu kwalo mhlaha mhlawumhi ngendlela ekhethekileyo okanye ngokweenjongo ezingqalileyo. 15

Indima ye-5

Izibonelelo jikelele

Ukuhlala kwethutyana kumhlabeni okummandla waselunxwemeni

67. (1) Ngokuxhomekeke kuMthetho wokuHlutha ubuNikazi, 1975 (uMthetho onguNom. 63 ka-1975), uMphathiswa unokuyalela loo mhlaba ukummandla wonxweme ukuba kuhlalwe kuwo okwethutyana ukuze kwakhiwe, kulondolozwe okanye kulungiswe imisebenzi ukuze kuphunyezwe inkqubo yolawulo lwamanxweme, okanye lukhawulelane neziganeko zongcoliseko okanye kwiimeko zoxunguphalo, kwaye ngale njongo kunakho— 20
 (a) ukuba kuthathwe kulo mhlaba amatye, uhlalutye, intlabathi, umhlaba okanye nezinye izinto; 25
 (b) ukuba kuphokozwe izinto ezithile kuwo; kananjalo
 (c) ukuba kwakhiwe kwaye kwenziwe nemisebenzi yethutyana kuwo, kubandakanywa neendlela.
 (2) Nakubeni kukho oko kutshiwo lisolotyana la-87, amagunya oMphathiswa ngokwemimiselo yesolotyana lo-(1) anokwabelwa— 30
 (a) uMphathiswa wePhondo, osenakho ukuphinda abelane ngeli gunya nomasipala kwiphondo elo; okanye
 (b) igosa kwiSebe elo.
 (3) Ukuba umhlaba lowo unomnikazi wabucala, uMphathiswa okanye uMphathiswa wePhondo, esebenza ngokwemimiselo yesolotyana lo-(1), kufuneka, phambi kokuba kuhlalwe kulo mhlaba, anike ohlala kuwo nomnikazi womhlaba isaziso esamkelekileyo, esibhaliweyo, ngokuzimisela ukuwuhlala kunye nenjongo yoko. 35

Ukuhlonyelwa, ukurhoxiswa, ukuxhonywa okanye ukucinywa kwesigunyazisi

68. (1) Ugunyaziwe unako ukuhlomela, ukurhoxisa, ukuxhoma okanye ukucima ugunyaziso olukhutshwe ngokwemimiselo yalo Mthetho, ukuba ngaba— 40
 (a) umnikezwa sigunyaziso wophula okanye uyasilela ukuthobela imeko oluphantsi kwayo ugunyaziso obelukhutshiwe;
 (b) luyangqzulana nenkqubo yolawulo lwamanxweme okanye luyakonakalisa kakhulu impumezo yenjongo yolawulo lwamanxweme; 45
 (c) iinguqu zeemeko zifuna kwenziwe isihlomelo esinjalo, urhoxiso, ukuxhonywa, okanye ukucinywa, ngokuxhomekeke kwimeko leyo; okanye
 (d) xa kuyimfuneko ukuhlangabezana nezinyanzeliso zeRiphabliki zehlabathi.
 (2) Ugunyaziwe okhupha ugunyaziso makathi ngesaziso esibhaliweyo esisiwe gumnikezwa sigunyaziso, okanye esithunyelwe ngeposi yercjista nethunyelwe kwidilesi awayegqityelwe ekuyo umnikezwa sigunyaziso, acelwe ukuba enze ingcaciso ebhaliweyo zingadlulanga iintsuku ezingama-30 ukusuka kumhla wesaziso, achaze ukuba kungazizathu zini na ukuba ugunyaziso lungafanelekanga ukuba luhlonyelwe, lurhoxiswe, luxhonywe okanye lucinywe, njengoko kunokuba njalo. 50

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(3) After the expiry of the period referred to in subsection (2) the issuing authority must consider the matter in the light of all relevant circumstances, including any representations made by the holder, and may—

- (a) revoke the authorisation;
- (b) suspend the authorisation for a period determined by the issuing authority; 5
- (c) cancel the authorisation from a date determined by the issuing authority;
- (d) alter the terms or conditions of the authorisation; or
- (e) decide not to amend, revoke, suspend or cancel the authorisation.

(4) Notwithstanding subsections (2) and (3), the issuing authority may, whenever it is in the interests of the promotion, protection or utilisation on a sustainable basis of the coastal zone, at any time by written notice to the holder of an authorisation amend, revoke, suspend or cancel the authorisation. 10

(5) If the issuing authority intends to exercise the powers under subsection (4), subsection (2) apply with the necessary changes.

(6) If the Minister or an issuing authority has reason to believe that it is urgently necessary to exercise powers under subsections (1), (3) or (4) in order to protect the coastal environment or human health and well-being, the Minister or issuing authority may, by notice to the holder of an authorisation, temporarily suspend the authorisation and then follow the procedure referred to in subsection (3). 15

(7) A competent authority, when exercising the power to amend, withdraw or suspend an environmental authorisation in terms of the National Environmental Management Act, must consider the factors referred to in subsections (1), (4), (5) and (6) with the necessary changes. 20

CHAPTER 8

MARINE AND COASTAL POLLUTION CONTROL 25

Discharge of effluent into coastal waters

69. (1) No person may discharge effluent that originates from a source on land into coastal waters except in terms of a general authorisation contemplated in subsection (2) or a coastal waters discharge permit issued under this section by the Minister after consultation with the Minister responsible for water affairs in instances of discharge of effluent into an estuary. 30

(2) The Minister may by notice in the *Gazette* authorise persons in general, or a category of persons, to discharge effluent into coastal waters, and in instances of discharge of effluent into an estuary, only after consultation with the Minister responsible for water affairs. 35

(3) Any person who wishes to discharge effluent into coastal waters in circumstances that are not authorised under a general authorisation referred to in subsection (2) must apply to the Department for a coastal waters discharge permit.

(4) Any person who at the commencement of this Act is discharging effluent into coastal waters and who is not authorised to do so in terms of a general authorisation under subsection (2) must apply to the Department for a coastal waters discharge permit— 40

- (a) within 24 months of the date of commencement of this Act if the discharge is in terms of a licence or authorisation under the National Water Act; or
- (b) within 36 months of the date of commencement of this Act if the discharge is a continuation of an existing lawful water use within the meaning of section 32 or 33 of the National Water Act. 45

(5) Unless a person referred to in subsection (4) is directed otherwise by a person

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (3) Emva kokuphelelwa lixesha kwethuba ekubhekiselelwa kulo kwisolotyana le-(2) ugunyaziwe okhupha ugunyaziso makathathele ingqalelo lo mbandela phantsi kwazo zonke iimeko ezifanelekileyo, kubandakanywa naziphi na iingcaciso ezibhalwe ngumnikezwa sigunyaziso, kwaye anga—
- (a) rhoxisa ugunyaziso; 5
 - (b) xhoma ugunyaziso ukusuka kumhla omiselwe ngugunyaziwe okhupha ugunyaziso;
 - (c) cima ugunyaziso ukusuka kumhla omiselwe ngugunyaziwe okhupha ugunyaziso;
 - (d) guqula imimiselo okanye iimeko zogunyaziso; okanye 10
 - (e) thatha isigqibo sokungenzi sihlomelo, kurhoxisa, kuxhoma okanye kucima ugunyaziso.
- (4) Nangona zikho izibonelelo zamasolotyana le-(2) nele-(3), ugunyaziwe okhupha ugunyaziso, nanini na xa ebona ukuba oko kusemdleni wokuphucula, ukukhusela okanye ukusebenzisa phantsi kwesiseko semimandla yamanxweme, nangaliphi na ixesha ngokubhala isaziso esiya kumnikezwa sigunyaziso unokwenza isihlomelo, ukurhoxisa, ukuxhoma, okanye ukucima ugunyaziso. 15
- (5) Ukuba ngaba ugunyaziwe okhupha ugunyaziso unenjongo yokusebenzisa amagunya phantsi kwesolotyana le-(4), ngoko ke izibonelelo zesolotyana le-(2) zisebenza kwiinguquko ezifanelekileyo. 20
- (6) Ukuba ngaba uMphathiswa okanye ugunyaziwe okhupha ugunyaziso unesizathu sokukholelwa ekubeni kuyimfuneko engxamisekileyo ukusebenzisa amagunya phantsi kwamasolotyana lo-(1), (3) okanye (4) ngokungxamisekileyo ukuze kukhuselwe okungqonge amanxweme okanye impilo yoluntu nentlalontle yalo, uMphathiswa okanye ugunyaziwe okhupha ugunyaziso unakho, ngokunika umnikezwa sigunyaziso, ukuxhoma ugunyaziso okwethutyana aze alandele inkqubo echazwe kwisolotyana le-(3). 25
- (7) Ugunyaziwe onesakhono, xa esebenzisa igunya lokwenza izihlomelo, ukurhoxisa okanye ukuxhoma ugunyaziso oludibeneyo lokusingqongileyo ngokwemimiselo yoMthetho woLawulo lokusiNgqongileyo weSizwe, makathathele ingqalelo imibandela efakelweyo kumasolotyana (1), (4), (5) nele-(6) neenguquko eziyimfuneko. 30

ISAPHLUKO 8

ULAWULO LONGCOLISEKO LOLWANDLE NAMANXWEME

Ukuchitha ukungcola emanzini onxweme

69. (1) Akukho mntu unokuchitha ukungcola okuvela emhlabeni emanzini onxweme ngaphandle kokuba ukwenza oko ngokwemimiselo yesigunyaziso jikelele njengoko kucamngcwe kwisolotyana le-(2) okanye ngokwemvume yokuchitha emanzini onxweme ekhutshwa phantsi kweli solotyana nguMphathiswa emva kokufakana imilomo noMphathiswa wemicimbi yezaManzi kwimeko apho kukhutshelwa ubumdaka echwebeni. 35 40
- (2) UMphathiswa, angakhupha isaziso kwiPhephandaba loMbuso esigunyazisa bonke abantu jikelele, okanye udidi oluthile lwabantu luchithe ukungcola emanzini onxweme.
- (3) Nawuphi na umntu onqwenela ukuchitha ukungcola emanzini onxweme ngemeko ezingagunyaziswanga phantsi kogunyaziso jikelele ekubhekiswa kulo kwisolotyana le-(2) kufuneka afake isicelo semvume yokuchitha kumanzi onxweme kwiSebe. 45
- (4) Nawuphi na umntu ngelixesha lokusungulwa kwalo Mthetho ochitha ukungcola emanzini onxweme engagunyaziswanga ukuba angakwenza oko ngokwemimiselo yesigunyaziso jikelele phantsi kwesolotyana le-(2) kufuneka afake isicelo semvume yokuchitha kumanzi onxweme kwiSebe— 50
- (a) zingaphelanga iinyanga ezingama-24 emva komhla wokusungulwa kwalo Mthetho ukuba oko kuchitha kwenziwa ngemimiselo yempepha-mvume okanye yesigunyaziso phantsi koMthetho wezaManzi weSizwe; okanye
 - (b) zingaphelanga iinyanga ezingama-36 emva komhla wokusungulwa kwalo Mthetho ukuba oko kuchitha kokuqhubekayo kusetyenziso lwamanzi olukhoyo olusemthethweni ngokwemimiselo yamasolotyana 32 okanye 33 oMthetho wezaManzi weSizwe (National Water Act). 55
- (5) Ngaphandle kokuba umntu ekubhekiswa kuye kwisolotyana le-(4) uyalelwe ngandlela yimbi ngumntu osebenza ngokwemimiselo yalo Mthetho okanye yoMthetho

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

acting in terms of this Act or the National Water Act, it is not an offence for that person to discharge effluent that originates from a source on land into coastal waters if—

- (a) that person has made an application under subsection (4) but has not yet been notified whether the application has been granted or refused; or
 - (b) the applicable period referred to in subsection (4)(a) or (b) has not yet expired. 5
- (6) A person who discharges effluent into coastal waters—
- (a) must not waste water;
 - (b) may only do so to the extent that it is not reasonably practicable to return any freshwater in that effluent to the water resource from which it was taken;
 - (c) must discharge the effluent subject to any condition contained in the relevant authorisation; 10
 - (d) must comply with any applicable waste standards or water management practices prescribed under this Act or under section 29 of the National Water Act or any Act of Parliament specifically dealing with waste, unless the conditions of the relevant authorisation provide otherwise; and 15
 - (e) must register the discharge with the department responsible for water affairs. 15
- (7) The Minister, and in instances of discharge of effluent into an estuary, with the concurrence of the Minister responsible for water affairs, must, when deciding whether or not to issue a general authorisation contemplated in subsection (2) or to grant an application for a coastal waters discharge permit, take into account all relevant factors, 20 including—
- (a) the interests of the whole community;
 - (b) the socio-economic impact if the disposal—
 - (i) is authorised;
 - (ii) is not authorised; 25
 - (c) the coastal management programmes and estuarine management plans applicable in the area;
 - (d) the likely impact of the proposed disposal on the coastal environment, including, the cumulative effect of its impact together with those of existing point and non-point discharges. 30
 - (e) the Republic's obligations under international law;
 - (f) the factors listed in section 27 of the National Water Act; and
 - (g) any other factors that may be prescribed.
- (8) The Minister may not grant an application in terms of subsection (3) for a coastal waters discharge permit if doing so is likely— 35
- (a) to cause irreversible or long-lasting adverse effects that cannot satisfactorily be mitigated;
 - (b) to prejudice significantly the achievement of any coastal management objective contained in a coastal management programme; or
 - (c) to be contrary to the interests of the whole community. 40
- (9) (a) The Director-General must within five years of the date of commencement of this Act—
- (i) review all authorisations issued before the commencement of this Act that authorise the discharge of effluent into coastal waters; and
 - (ii) in consultation with the director-general of the department responsible for water affairs undertake a joint review of all authorisations issued before the commencement of this Act that authorised the discharge of effluent into estuaries, in order to determine the extent to which those authorisations comply with the requirements of this Act and of other applicable legislation. 45
- (b) After any such review the Director-General must make recommendations to the Minister and to the Minister responsible for water affairs as to whether or not— 50
- (i) the discharge should be prohibited;
 - (ii) in the case of a discharge into the sea, whether or not a permit should be issued under subsection (1);
 - (iii) in the case of a discharge into an estuary, whether or not the discharge should 55

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHEHO ODIBENEYO WOLAWULO LONXWEME, 2008

wezaManzi weSizwe, asikokwaphula mthetho kuloo mntu ukuchitha ukungcola okuvela emhlabeni emanzini onxweme ukuba ngaba—

- (a) loo mntu selesifakile isicelo phantsi kwesolotyana le-(4) kodwa akakaziswa nokuba isicelo sakhe samkelwe okanye asamkelwanga na; okanye
- (b) ixesha elifanelekileyo ekubhekiswa kulo kwisolotyana le-(4)(a) okanye (b) alikaphelwa. 5
- (6) Umntu ochitha ukungcola emanzini onxweme—
- (a) kufuneka angawamoshi amanzi;
- (b) angakwenza oku kuphela ukufika kwinqanaba lokuba kungakwazeki ukubuyisela nawaphi na amanzi acocckileyo aphuma kuloo nkunkuma kumthombo wamanzi abethatyathwe kuwo; 10
- (c) kufuneka achithe ukungcola phantsi kwayo nayiphi na imiqathango equlethwe lugunyaziso olunxulumeneyo;
- (d) kufuneka athobele nayiphi na imigangatho yenkunkuma efanelekileyo okanye iindlela zolawulo lwamanzi ezimiselwe phantsi kwalo Mthetho okanye phantsi kwesolotyana 29 loMthetho wezaManzi weSizwe; okanye nawuphi na uMthetho wePalamente osebenza ngokuthe ngo nenkunkuma, ngaphandle kokuba imiqathango yogunyaziso olunxulumeneyo inikezela ngandlela yimbi; kwaye 15
- (e) kufuneka babhalise ukuchitha inkunkuma kwisebe elijongene nemicimbi yezamanzi. 20
- (7) UMphathiswa, nakwimeko ekukhutshelwa ngayo inkunkuma echwebeni, ngokuvumelana noMphathiswa ojongene nemicimbi yezamanzi, kufuneka xa ethatha isigqibo sokuba akhuphe okanye angakhuphi sigunyaziso jikelele esicamngcwe kwisolotyana le-(2) okanye anike imvume yokufaka isicelo sokuchitha kumanzi onxweme; athabathele ingqalelo yonke imibandela enxulumeneyo, kubandakanya— 25
- (a) nomdla wabahlali xa bebonke;
- (b) nochaphazeleko lwentlalo noqoqosho ukuba ngaba ukuchitha—
- (i) kugunyazisiwe;
- (ii) naxa kungagunyaziswanga; 30
- (c) iinkqubo zolawulo lwamanxweme kunye nezicwangciso zolawulo lwamachweba achaphazelekayo kuloo ndawo;
- (d) uchaphazeleko olunokubakho kuchitho olucetywayo kokusingqongileyo konxweme;
- (e) izibophelelo zeRiphabhliki phantsi komthetho wamazwe ngamazwe; 35
- (f) imibandela edweliswe kwisolotyana la-27 loMthetho wezaManzi weSizwe; kwaye
- (g) nayiphi eminye imibandela engamiselwa.
- (8) Umphathiswa unakho ngokwemimiselo yesolotyana le-(3) ukunganiki mvume yokuchitha kumanzi onxweme ukuba ukwenzenjalo kunokwenzeka— 40
- (a) kubangele iziphumo ezibi ezingenakuguqulwa okanye ezingahlala ixesha elide futhi zingenakuncitshiswa ngokwanelisayo;
- (b) kuyidlele indlala ngokuvakalayo impumelelo yayo nayiphi na injongo yolawulo lwamanxweme equlethwe kwinkqubo yolawulo lwamanxweme; okanye 45
- (c) kungachasana nomdla wabahlali xa bebonke.
- (9) (a) Umlawuli-Jikelele kufuneka ingaphelanga iminyaka emihlanu emva komhla wokusungulwa kwalo Mthetho—
- (i) ahlaziye ngokutsha zonke izigunyaziso ezakhutshwe phambi kokusungulwa kwalo Mthetho ugunyazisa uchitho lokungcola kumanzi onxweme; kwaye 50
- (ii) ngokubonisana nomlawuli-jikelele wesebe elijongene nemicimbi yezamanzi, angenza uhlaziyo oluhlangeneyo lwazo zonke izigunyaziso zokuchitha ukungcola emachwebeni ezakhutshwa phambi kwalo Mthetho ukuze azi ukuba zihambisana njani na nalo Mthetho neminye imithetho echaphazelekayo. 55
- (b) Emva kolo hlaziyo, uMlawuli-Jikelele kufuneka enze iziphakamiso eziya kuMphathiswa noMphathiswa ojongene nemicimbi yezamanzi ngokubhekisele ekebeni kuyenzeka na okanye hayi—
- (i) ukuchitha ukungcola kuthintelwe;
- (ii) kwimeko yokuchithwa kokungcola elwandle, ukuba imvume phantsi kwesolotyana lo-(1) ikhutshwe na okanye hayi; 60
- (iii) kwimeko yokuchithwa kokungcola echwebeni, ukuba ukuchithwa kokungcola kugunyaziswe na ngokwemimiselo yemvume ekhutshwe phantsi

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

be authorised in terms of a permit issued under subsection (1) and a permit issued under the National Water Act.

(10) The Minister, and in instances where the discharge takes place into an estuary, with the concurrence of the Minister responsible for water affairs, must as soon as possible after recommendations contemplated in section (9)(b) have been received, 5 decide whether or not to issue a permit or permits referred to in subsection (9) and the conditions that will apply to any permits issued, but before doing so, must give the holders of the authorisations a reasonable opportunity of making representations.

(11) An organ of state that issues a permit under subsection (1) must report every three years in the prescribed form to the National Coastal Committee on the status of each 10 pipeline that discharges effluent into coastal waters and its impact on the coastal environment.

(12) The Minister may, when performing functions in terms of subsections (1), (7) and (10), enter into an agreement with any member of Cabinet.

Prohibition of incineration or dumping at sea 15

- 70.** (1) Subject to subsection (2), no person may—
- (a) incinerate at sea any waste or other material—
 - (i) within the coastal waters or the exclusive economic zone; or
 - (ii) aboard a South African vessel;
 - (b) import into the Republic any waste or other material to be dumped or 20 incinerated at sea within the coastal waters or the exclusive economic zone;
 - (c) export from the Republic any waste or other material to be dumped or incinerated—
 - (i) on the high seas; or
 - (ii) in an area of the sea under the jurisdiction of another state; 25
 - (d) load any waste or other material to be dumped or incinerated at sea onto any vessel, aircraft, platform or other structure at any place in the Republic, including the exclusive economic zone, unless the master of the vessel, aircraft, platform or other structure produces written proof that the dumping at sea of that waste or other material has been authorised in terms of a dumping 30 permit granted under section 71;
 - (e) except on the authority of a dumping permit granted under section 71—
 - (i) dump at sea any waste or other material within the coastal waters or the exclusive economic zone; or
 - (ii) dump from a South African vessel, aircraft, platform or other man-made 35 structure at sea, any waste or other material on the high seas; or
 - (f) dump from a South African vessel, aircraft, platform or other man-made structure at sea, any waste or other material in any area of the sea under the jurisdiction of another state, except with the written permission of that state.
- (2) It is a defence to a charge in terms of subsection (1)(e)(i) or (ii) to show— 40
- (a) that adverse weather conditions necessitated the dumping or incineration at sea in order to secure the safety of human life or of the vessel, aircraft, platform or structure in question; or
 - (b) that there was a danger to human life or a real threat to the vessel, aircraft, platform or structure in question, that there appeared to be no reasonable 45 alternative to dumping or incineration at sea, and that it is probable that the adverse effects arising from the dumping or incineration at sea were less than would otherwise have occurred; and

kwesolotyana lo-(1) okanye kungagunyaziswa kunye nemvume ekhutshwe phantsi koMthetho wezaManzi weSizwe.

(10) Umphathiswa, kwiimeko apho ukungcola kulahlwa echwebeni, ngokuvumelana noMphathiswa ojongene nemicimbi yezaManzi, kufuneka ngokukhawuleza emva kokufumaneka kweziziphakamiso ezicamngcwe kwisolotyana le-(9)(b), bafikelele kwisigqibo ukuba bayiyikhupha okanye hayi na imvume okanye iimvume ekubhekiswe kuzo kwisolotyana le-(9) kunye nemiqathango eza kusebenza kuzo nakuziphi na iimvume ezikhutshiweyo, kodwa ke phambi kokwenza njalo, kufuneka banike abanikezwa zigunyaziso ithuba elaneleyo lokuba babeke izimvo zabo.

(11) Umbutho waseburhulumenteni okhupha imvume phantsi kwesolotyana lo-(1) kufuneka ufake ingxelo qho kunyaka wesithathu ngendlela emiselweyo kwiKomiti yezamaNxweme yeSizwe ngobume bombobho ngamnye okhupela ukungcola emanzini onxweme kunye nochaphazelo lwayo kokungqongole unxweme.

(12) UMphathiswa angathi, xa esenza imisebenzi ngokwemimiselo yamasolotyana lo-(1), (7) nele- (10), enze isivumelwano nalo naliphi na ilungu leKhabhinethi.

Uthintelo lokutshisa nokulahla inkunkuma elwandle

- 70.** (1) Ngokwesolotyana le-(2), akukho mntu umaka—
- (a) tshisele elwandle nayiphi na inkunkuma okanye nantoni na—
- (i) kufutshane namanzi onxweme okanye kummandla obekelwe ushishino; okanye 20
- (ii) enqanaweni yaseMzantsi Afrika;
- (b) ngenise kwiRiphabliki nayiphi na inkunkuma okanye ezinye izinto ezilungele ukulahlwa okanye ukutshiselwa elwandle kufuphi namanzi onxweme okanye kummandla obekelwe ushishino;
- (c) thumele kwelinye ilizwe esusa kwiRiphabliki nayiphi na inkunkuma okanye ezinye izinto ezinokulahlwa okanye ukutshiselwa elwandle— 25
- (i) enzonzobileni yolwandle; okanye
- (ii) kummandla wolwandle ophantsi kolawulo lwelinye ilizwe;
- (d) khwelise nayiphi na inkunkuma okanye izinto ezinokulahlwa okanye ukutshiselwa elwandle kwinqanawa, kwinqwelomoya, kwinqonga okanye kolunye uhlobo lwesithuthi nakuyiphi na indawo kweli leRiphabliki, kuquka ummandla obekelwe ushishino, ngaphandle kokuba ukapteni wenqanawa, wenqwelomoya, weqonga okanye uhlobo lwesithuthi ukhupha ubungqina obubhaliweyo bokuba oko kulahla elwandle kwaloo nkunkuma okanye ezinye izinto kugunyaziswe ngokwemimiselo yemvume yokulahla inkunkuma enikwe phantsi kwesolotyana la-71; 35
- (e) ngaphandle kokuba kwisigunyazi semvume yokulahla inkunkuma esikhutshwe phantsi kwesolotyana la-71—
- (i) angalahla elwandle nayiphi inkunkuma okanye ezinye izinto kufuphi namanzi onxweme okanye kummandla obekelwe ushishino; okanye 40
- (ii) angalahlela elwandle ngenqanawa yaseMzantsi Afrika, ngenqwelomoya, ngeqonga okanye ngenye into eyenziwe ngumntu, nayiphi na inkunkuma okanye enye into enzonzobileni yolwandle; okanye
- (f) angalahlela elwandle ngenqanawa yaseMzantsi Afrika, ngenqwelomoya, ngeqonga okanye ngenye into eyenziwe ngumntu, nayiphi na inkunkuma okanye enye into nakuyiphi na indawo yolwandle ephantsi kolawulo lwelinye ilizwe, ngaphandle kokuba ukwenza oko phantsi nangokwemiqathango ebhaliweyo yelo lizwe. 45
- (2) Ngumhlaba wokuzithethelela ngokwemimiselo yesolotyana lo-(1)(e)(i) okanye (ii) ukubonisa ukuba— 50
- (a) imozulu emaxongo yiyo enyanzelise ukulahlwa okanye ukutshiselwa kwenkunkuma elwandle ukuze kukhuselwe ubomi babantu okanye benqanawa, benqwelomoya, beqonga okanye baloo nto kubhekiswa kuyo; okanye
- (b) kwakukho ubungozi kubomi babantu okanye isoyikiso sokwenene kwinqanawa, kwinqwelomoya, kwinqonga okanye kuloo nto kubhekiswa kuyo, yaye kubonakale kungekho ndlela yimbi csezingqondweni ngaphandle kokulahlala okanye ukutshiselwa inkunkuma elwandle, kwaye kukholeleka ukuba iziphumo ezibi ezivela ngenxa yokulahlala okanye ukutshiselwa elwandle zibe zincinane kunokuba bezinokwenzeka; yaye 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (c) that in either case, the dumping or incineration at sea was conducted in a manner that minimised any actual or potential adverse effects and was reported to the Department without delay.

Dumping permits

- 71.** (1) A person who wishes to dump at sea any waste or other material must— 5
- (a) apply in writing to the Minister in the form stipulated by the Minister for a dumping permit that authorises the waste or other material to be loaded aboard a vessel, aircraft, platform or other structure and to be dumped at sea; and
- (b) pay the prescribed fee.
- (2) When deciding an application for a dumping permit contemplated in subsection (1), the Minister must have regard to— 10
- (a) the Waste Assessment Guidelines set out in Schedule 2;
- (b) any coastal management programme applicable in the area;
- (c) the likely environmental impact of the proposed activity;
- (d) national legislation dealing with waste; 15
- (e) the interests of the whole community;
- (f) transboundary impacts and international obligations and standards; and
- (g) any other factors that may be prescribed.
- (3) The Minister may not grant a dumping permit that authorises the dumping of any waste or other material, other than— 20
- (a) dredged material;
- (b) sewage sludge;
- (c) fish waste, or material resulting from industrial fish processing operations;
- (d) vessels and platforms or other man-made structures at sea;
- (e) inert, inorganic geological material; 25
- (f) organic material of natural origin; or
- (g) bulky items primarily comprising iron, steel, concrete and similarly non-harmful materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping at sea. 30
- (4) The Minister may not issue a dumping permit if—
- (a) the waste or other material proposed for dumping contains— 35
- (i) levels of radioactivity greater than as defined by the International Atomic Energy Agency and adopted by the contracting parties to the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter adopted on 7 November 1996; or
- (ii) material which is capable of creating floating debris or otherwise contributing to the pollution of the marine environment and which could be removed from the material proposed for dumping; 40
- (b) dumping the waste or other material in question—
- (i) is likely to cause irreversible or long-lasting adverse effects that cannot satisfactorily be mitigated;
- (ii) would cause a serious obstacle to fishing or navigation;
- (iii) would prejudice the achievement of any coastal management objective contained in a coastal management programme; 45
- (iv) would be contrary to the obligations of the Republic under international law; or
- (v) would be contrary to the interests of the whole community.
- (5) A dumping permit must be issued for a specified period of not more than two years but may be renewed once for a period of not more than two years. 50

Emergency dumping at sea

- 72.** (1) The Minister may in relation to any application for a dumping permit referred

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (c) nokuba nakuyiphi na kwezi meko, ukulahlela okanye ukutshisela inkunkuma elwandle kwenziwe ngendlela enciphisa naziphi na iziphumo ezibi ezikhoyo nezingakho kwaye ziye zaziswa kwiSebe ngaphandle kokulibazisa.

Imvume zokulahla inkunkuma

71. (1) Umntu onqwenela ukulahlela elwandle nayiphi na inkunkuma okanye nantoni na kufuneka— 5
- (a) afake isicelo esibhaliweyo kuMphathiswa ngendlela ecwangciswe nguMphathiswa yemvume yokulahla inkunkuma egunyazisa ukukhwelisa inkunkuma okanye czinye izinto enqanaweni, kwinqwelomoya, kwinqonga okanye kuyo nantoni na ukuya kuyilahla elwandle; aze 10
- (b) ahlawule umrhumo omiselweyo.
- (2) Xa ethatyathwa isigqibo ngesicelo semvume yokulahla inkunkuma ecamngcwe kwisolotywana lo-(1), uMphathiswa kufuneka athathele ingqalelo—
- (a) iZikhokelo zoVavanyo lweNkunkuma ezimiselwe kuLuhlu lwe-2;
- (b) nayiphi na inkqubo yolawulo lwamanxweme echaphazelekayo kuloo ndawo; 15
- (c) uchaphazeleko olunokubakho kokusingqongileyo ngeso siphakamiso;
- (d) umdla wabahlali xa bebonke;
- (e) nayo nayiphi na cminye imibandela engamiselwa;
- (f) iziphumo zokuwelwa komda neembopheleleko zehlabathi liphela;
- (g) naziphi na ezinye izinto ezinokutshiwo. 20
- (3) UMphathiswa akangeyiniki imvume yokulahla inkunkuma egunyazisa ukulahlwa kwayo nayiphi inkunkuma okanye nantoni na, ngaphandle—
- (a) kwezinto ezigutyulwayo;
- (b) Amanzi amdaka;
- (c) ukungcola kwentlanzi, okanye izinto eziphuma kwimisebenzi yokulungisa iintlanzi zilungiselelwa urhwebo; 25
- (d) kwenqanawa namaqonga okanye izinto ezenziwe ngumntu elwandle;
- (e) ukungcola okumileyo, izinto eziphuma kwizinto ezingaphiliyo njengamatye;
- (f) izinto eziphuma kweziphilayo zendalo; okanye
- (g) izinto ezinkulu ngakumbi isinyithi, intsimbi, ikhonkrithi kwanezinto ezingeyongozi ezifanayo nezi nalapho ingxaki iluchaphazeleko oluphathekayo noluphelela kwezo meko apho inkunkuma enjalo isenziwa kwiindawo ezinjengeziqithi ezincinane ezinabahlali phaya naphaya zona azinalo ufikelelo olubambekayo lohlobo lokuchitha ngaphandle kokulahlela elwandle. 30
- (4) Umphathiswa unokungayikhuphi imvume yokulahla inkunkuma ukuba ngaba— 35
- (a) loo nkunkuma okanye ezo zinto kucetywa ukuba ziyokulahlwa ziqulathe—
- (i) imigangatho ye-radioactivity emikhulu kunechazwe yi-International Atomic Energy Agency neyamkelweyo ngamaqela asebenzisana ne-Nkqubo yeNgqungquthela engoThintelo loNgcoliseko loLwandle ngokuLahlwa kokuNgcola neZinye iZinto eyamkelwa ngomhla wesi-7 Novemba 1996; 40
- (ii) izinto ezinako ukudala ukungcola okudadayo okanye ezaleka kungcoliseko lwamanzi nezisenokususwa kwisiphakamiso sokulahla inkunkuma;
- (b) ukulahla inkunkuma okanye czinye izinto ezikhankanyiweyo— 45
- (i) kusenokubangela iziphumo ezibi ezingenakulungiseka okanye ezinokuhlala ixesha elide ekunzima ukuzinciphisa ngokwanclisayo;
- (ii) kungabangela imiqobo enzima ekulobeni nasekuhambeni ngeenqanawa;
- (iii) kungadlela indlal ukuphunyezwa kwayo nayiphi na injongo yolawulo lwamanxweme ekwinqubo yolawulo lwamanxweme; 50
- (iv) ingaba yechaseneyo nemvumelwano ezibophelelayo zeRiphabhliki phantsi komthetho wamazwe ngamazwe; okanye
- (v) ingaba yechaseneyo nomdla wabahlali xa bebonke.
- (5) Imvume yokulahla inkunkuma kufuneka ikhutshelwe ixesha elimisiweyo, lingabi ngaphezulu kweminyaka emibini kodwa lisenokuvuselelwa kube kanye kwixesha elingekho ngaphezulu kweminyaka emibini. 55

Ukulahlela elwandle ngexesha likaxakeka

72. (1) UMphathiswa angakhupha, ngokuphathelele naso nasiphi na isicelo semvume yokulahlela inkunkuma ekubhekiswa kuso kwisolotyana la-71, kunye nayiphi

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

to in section 71 dispense with any prescribed procedure, including any consultation and public participation processes, if—

- (a) the dumping at sea of a quantity of any particular waste or other material is necessary to avert an emergency that poses an unacceptable risk to the environment or to human health or safety; and 5
 - (b) there is no other feasible solution.
- (2) Before issuing a permit in the circumstances contemplated in subsection (1), the Minister must consult with—
- (a) any foreign state that is likely to be affected by the proposed dumping at sea; and 10
 - (b) the International Maritime Organisation.
- (3) The Minister must—
- (a) as far as reasonably possible in the circumstances, follow any recommendations received from the International Maritime Organisation when imposing permit conditions regarding the procedures to be followed in conducting the loading or dumping at sea of the relevant quantity of waste or other material; and 15
 - (b) inform the International Maritime Organisation of any action taken under this section within a reasonable period thereafter.

National action list 20

73. (1) The Minister must progressively and subject to available resources, develop a national action list to provide a mechanism for screening waste and other material on the basis of their potential effect on human health and the marine environment.

- (2) The national action list must—
- (a) be developed in accordance with the Waste Assessment Guidelines set out in Schedule 2; and 25
 - (b) contain the prescribed information.

CHAPTER 9

APPEALS

Appeals 30

74. (1) A person to whom a coastal protection notice or coastal access notice in terms of section 59 or a repair and removal notice in terms of section 60, has been issued, may lodge a written appeal against that notice with—

- (a) the Minister, if the notice was issued by an MEC or by a person exercising powers which have been delegated by the Minister to such person in terms of this Act; or 35
 - (b) the MEC of the province concerned, if the notice was issued by a municipality in that province or by a person exercising powers delegated by the MEC in terms of this Act.
- (2) A person who is dissatisfied with any decision taken to issue, refuse, amend, suspend or cancel an authorisation, may lodge a written appeal against that decision with—
- (a) the Minister, if the decision was taken by a person exercising powers which have been delegated by the Minister to such person in terms of this Act; or 45
 - (b) the MEC of the province concerned, if the decision was taken by—
 - (i) a person exercising powers granted or delegated to the MEC that have been delegated by the MEC;
 - (ii) a provincial organ of state; or
 - (iii) a municipality in that province.
- (3) An appeal made under subsection (1) or (2) must— 50
- (a) be lodged within 30 days of the appellant being given the notice in terms of section 59 or 60, or being notified of the decision, or if the appellant is not

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

na inkqubo enikiweyo, kuquka naluphi uthethathethwano kunye neenkqubo zokuthabatha inxaxheba koluntu ukuba ngaba—

- (a) ukulahlela elwandle umthwalo wayo nayiphi na inkunkuma ethile okanye nantoni na kuyafuneka, ngokombono woMphathiswa, ukuphepha ungxamiseko olubeka engozini engavumelekanga yokusingqongileyo okanye impilo yabantu okanye ukhuseleko; kwaye 5
- (b) singekho esinye isisombululo esinokwenziwa.
- (2) Phambi kokukhupha invume kwimiba ecamngcwe kwisolotyana lo-(1), uMphathiswa kufuneka athethathethane—
- (a) nalo naliphi ilizwe langaphandle elinokuchaphazeleka ngokulahlela elwandle okucetywayo; kunye 10
- (b) ne-International Maritime Organisation.
- (3) UMphathiswa kufuneka—
- (a) kangangoko kunokwenzeka phantsi kwezo kwiimeko, alandele naziphi na iziphakamiso azifumene kwi-International Maritime Organisation xa anika umyalelo weemeko zokukhupha invume ngokunxulumene neenkqubo ezifanele ukulandelwa xa kukhweliswa okanye kulahlelwa elwandle umthwalo wenkunkuma okanye nantoni na efanclekileyo; yaye 15
- (b) ayazise i-International Maritime Organisation ngalo naliphi na inyathelo elithatyathiweyo phantsi kweli solotyana kamsinyane kangangoko kunokwenzeka emva koko. 20

Uluhlu lwamanyathelo leSizwe

73. (1) UMphathiswa kufuneka aqhubele phambili nangokuxhomekeka kwimithombo ekhoyo, enze uluhlu lwamanyathelo lesizwe ukunikezela isixhobo sokuhluzisa inkunkuma okanye ezinye izinto ngokubhekisele kwisakhono ezinaso esinokuchaphazela impilo yabantu kunye nokungqongile ulwandle. 25

(2) Uluhlu lwamanyathelo lesizwe kufuneka—

- (a) lwenziwe ngokwemiqathango yeZikhokelo zoVavanyo lweNkunkuma ezidweliswe kuLuhlu lwe-2; kwaye
- (b) luqulathe ulwazi olumiselweyo. 30

ISAHLUKO 9

IZIBHENO

Izibheno

74. (1) Umntu okhutshelwe isaziso sokhuselo lonxweme okanye isaziso sofikelelo kunxweme ngokwemimiselo yesolotyana la-59 okanye isaziso solungiso nokususwa ngokwemimiselo yesolotyana la-60, angafaka isibheno sokuphikisa eso saziso ku— 35

- (a) Mphathiswa, ukuba ngaba isaziso sikhutshwe nguMphathiswa wePhondo; okanye
- (b) Mphathiswa wePhondo elichaphazelekayo, ukuba isaziso sikhutshwe ngumasipala kwelo phondo okanye umntu osebenzisa amagunya awanikwe nguMphathiswa wePhondo ngokwalo Mthetho; okanye. 40

(2) Umntu onganlisckanga nangasiphi isigqibo esithatyathiweyo sokukhupha, sokwala, sokuhlomela, sokuxhoma okanye sokucima isigunyaziso, angafaka isibheno ngokubhaliweyo esiphikisa eso sigqibo ku—

- (a) Mphathiswa ukuba ngaba eso sigqibo senziwe ngumntu osebenzisa amagunya awanikwe nguMphathiswa phantsi kwalo Mthetho; okanye 45
- (b) Mphathiswa wePhondo elibandakanyekayo, ukuba ngaba isigqibo senziwe ngu—
- (i) mntu osebenzisa amagunya anikwe okanye abelwe uMphathiswa wePhondo nawabelwe nguMphathiswa wePhondo; 50
- (ii) mbutho waseburhulumenteni wephondo; okanye
- (ii) masipala welo phondo.

(3) Isibheno esenziwe phantsi kwesolotyana lo-(1) okanye (2) kufuneka—

- (a) sifakwe ngummbeni zingekapheli iintsuku ezingama-30 emva kokunikwa isaziso ngokwemimiselo yesolotyana la-59 okanye 60, okanye emva kokwaziswa ngesigqibo okanye ukuba ngaba ummbeni akanikwanga saziso 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- given a notice or notified of the decision, within 60 days of the relevant decision being announced;
- (b) state clearly the grounds of the appeal;
 - (c) state briefly the facts on which the appellant relies and include any relevant information that was not placed before the decision-maker and which the appellant believes should be considered on appeal; and
 - (d) comply with any other requirements that may be prescribed.
- (4) An appeal under this section does not suspend an authorisation or an exemption, or any provision or condition of an authorisation, or any notice issued under Chapter 7, unless the Minister or MEC directs otherwise.
- (5) The Minister or MEC may, on good cause shown, extend the period within which an appeal may be lodged in terms of this Chapter.
- (6) The Minister or MEC may dismiss an appeal that he or she considers to be trivial, frivolous or manifestly without merit.
- (7) Appeals against a decision involving an environmental authorisation must be dealt with in terms of the National Environmental Management Act.

Advisory Appeal panel

- 75.** (1) The Minister or an MEC may appoint an advisory appeal panel to consider and advise the Minister or the MEC on an appeal.
- (2) An advisory appeal panel must consist of an uneven number of members.
 - (3) The members appointed by the Minister or an MEC must—
 - (a) have suitable qualifications and experience in relation to the matters that must be considered in the appeal; and
 - (b) be committed to the objects of this Act.
 - (4) A person may not be appointed as a member of the appeal panel if he or she—
 - (a) was involved in any way in the making of the decision appealed against;
 - (b) or any spouse, partner or close family member of that person has a personal or private interest in the appeal;
 - (c) is an unrehabilitated insolvent;
 - (d) has, as a result of improper conduct, been removed from an office of trust; or
 - (e) has been declared by a court to be mentally ill or disordered.
 - (5) The Minister, with the consent of the Minister of Finance, or the MEC, with the consent of the member of the provincial executive council responsible for finance, must determine the rate of remuneration and the allowances payable to any member of an advisory appeal panel who is not an employee of an organ of state.

Interim orders by Minister or MEC

- 76.** (1) The Minister or an MEC may, at any time after an appeal has been lodged, make any interim order pending the determination of the appeal, that he or she considers equitable or appropriate to achieve the objects of this Act.
- (2) Without limiting the generality of subsection (1) an interim order may—
 - (a) preserve existing rights or an existing state of affairs between the parties to the proceedings;
 - (b) provide for interim protection of the coastal environment;
 - (c) suspend or temporarily stay a notice or any part of it; or
 - (d) deal with procedural issues.
 - (3) The Minister or an MEC may make an interim order at his or her own initiative, or in response to an application by the appeal panel or a party to the appeal proceedings.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHEHO ODIBENEYO WOLAWULO LONXWEME, 2008

okanye akaziswanga ngesigqibo, zingaphelanga iintsuku czingama-60 cmva kokupapashwa kwesigqibo esichanekileyo;

- (b) sichaze ngokucacileyo izizathu zesibheni;
 (c) sichaze ngokufutshane izizathu athembele kuzo ummbeni ze aquke naluphi na ulwazi olwalungachazwanga kumthabathi-sigqibo ngaphambili, zizathu ezo ummbeni akholelwa ukuba kufuneka ziqwalaselwe kweso sibheni; yaye 5
 (d) sithobela naziphi iimfuno ezingamiselwa.

(4) Isibheni phantsi kweli soloty asirhoxisi nasiphi na isigunyaziso okanye ukhululo okanye naliphi igatya okanye umqathango wesigunyaziso, okanye nasiphi isaziso esikhutshwe phantsi kweSahluko 7, ngaphandle kokuba uMphathiswa okanye uMphathiswa wePhondo uyalela ngandlela yimbi. 10

(5) UMphathiswa okanye uMphathiswa wePhondo unakho, ngenjongo ezintle, ukwandisa ixesha lokufakwa kwezibheni ngokwemiqathango yesi Sahluko.

(6) UMphathiswa okanye uMphathiswa wePhondo angasichitha isibheni asibona njengokungento, njengemfeketho okanye ngokubonakalayo ngaphandle komvuzo. 15

(7) Izibheni ezichasa isigqibo esibandakanya isigunyaziso esidibeneyo sokusiqongileyo kufuneka siqwalaselwe ngokwemimiselo yoMthetho woLawulo lokusiqongileyo weSizwe.

Isigqeba esicebisa kwizibheni

75. (1) UMphathiswa okanye uMphathiswa wePhondo angatyumba isigqeba sokucebisa kwizibheni ukuba siqwalasele sicebise uMphathiswa okanye uMphathiswa wePhondo kwisibheni eso. 20

(2) Isigqeba sokucebisa kwizibheni kufuneka sibe linani elinomnqakathi.

(3) Amalungu atyunjwe nguMphathiswa okanye uMphathiswa wePhondo kufuneka— 25

(a) abe namabakala emfundo afanekileyo namava alungelene nemiba ekufuneka iqwalaselwe kwisibheni eso; kwaye

(b) nokubopheleleka kwinjongo zalo Mthetho.

(4) Umntu akanakutyunjwa abe lilungu lesigqeba sezibheni ukuba ngaba—

(a) ebandakanyeka nangaziphi na iindlela ekuthatyathweni kwesigqibo eso kubhenwa kuso; 30

(b) okanye umlingane wakhe ngokomtshato, umhlobo okanye ilungu losapho lwakhe lunento yokwenza nenokuxhamleka kwisibheni eso;

(c) uhlwempuzeke kangokuba akanakuncedakala ngokwasezimalini;

(d) uthe ngokungaziphathi kwakhe kakuhle wakhutshawa kwisikhundla sentembeko; okanye 35

(e) uthe wavaliswa yinkundla yomthetho njengomntu ogula ngengqondo okanye ophazamisekileyo ngengqondo.

(5) UMphathiswa ngokuvumelana noMphathiswa weZimali, okanye uMphathiswa wePhondo ngokwesivumelwano nelungu lesigqeba esilawulayo sephondo elijongene nemiba yezimali, kufuneka aqinge umvuzo nezibonelelo emizhlawulwe naliphi na ilungu lesigqeba sezibheni elingaqeshwanga ngumbutho wasciburhumenteni. 40

Umyalelo wexeshana ngokwenziwa nguMphathiswa okanye nguMphathiswa wePhondo

76. (1) UMphathiswa okanye uMphathiswa wePhondo angathi, nangaliphi na ixesha cmva kokuba isibheni sele sifakiwe, enze nawuphi na umyalelo wexeshana ngokuxhomekeke ekuthathweni kwesigqibo sesibheni, awubona ungowobulungisa okanye ungochanekileyo ukuze kuphunyezwe injongo zalo Mthetho. 45

(2) Ngaphandle kokuthintela ukucacisa ngokuphangaleleyo kwesolotyana lo-(1) umyalelo wexeshana unoku— 50

(a) gcina amalungelo akhoyo okanye imeko ekuyiyo phakathi kwamaqela nje ngokuba injalo de kufike ixesha lokuqhutywa kwesibheni;

(b) nikezela ukhuselo lwexeshana lommandla wonxweme;

(c) rhoxisa okwexeshana okanye amise isaziso okwexeshana okanye nayiphi inxalenye yaso; okanye 55

(d) qwalasela imiba yenkqubo.

(3) UMphathiswa okanye uMphathiswa wePhondo angenza umyalelo wexeshana njengelingelakhe okanye ngokuphendula isicelo sesigqeba sezibheni okanye iqela kwinkqubo yezibheni.

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(4) If a party to the proceedings applies for an interim order, the Minister or an MEC must give the parties to the proceedings a reasonable opportunity to make oral or written submissions, but may make an interim order pending the making of submissions by the parties, if the Minister or an MEC has reason to believe that doing so would be just or desirable in order to protect the coastal environment. 5

Proceedings of advisory appeal panel

77. (1) The chairperson of an advisory appeal panel decides when and where the panel meets.

(2) An advisory appeal panel must give the appellant, the person who made the decision or gave the notice appealed against, and any other interested and affected parties, a reasonable opportunity of making written submissions, and may allow oral representations to be made. 10

(3) An advisory appeal panel—

(a) must act fairly; 15

(b) may determine its own procedures;

(c) may convene hearings and make orders concerning preliminary and procedural matters;

(d) may summon and examine witnesses on oath;

(e) must, in considering the merits of an appeal, have regard to—

(i) the objects of this Act; and 20

(ii) any relevant coastal management objectives or standards and relevant policies; and

(iii) guidelines published or endorsed by the Department or the provincial lead agency concerned.

(4) An advisory appeal panel must give a written report to the Minister or an MEC, setting out its findings and recommendations. 25

(5) The decision of the majority of the members of an advisory appeal panel is the decision of the panel, but the chairperson must ensure that any dissenting opinions by members are recorded in the written report of the panel.

Determination of appeal by Minister or MEC 30

78. (1) The Minister or an MEC must consider the appeal and may—

(a) dismiss the appeal and confirm the decision appealed against;

(b) uphold part or all of the appeal and either vary the decision appealed against or set aside the decision and make a new decision; or

(c) refer the appeal back to the appeal panel with directions to investigate and consider specific facts or issues and to report back to the Minister or MEC. 35

(2) In determining an appeal the Minister or an MEC must have regard to—

(a) the objects of this Act;

(b) any relevant coastal management objectives; and

(c) the findings and recommendations of the appeal panel, but is not bound by them. 40

CHAPTER 10

ENFORCEMENT

Offences

79. (1) A person is guilty of a category one offence if that person— 45

(a) discharges effluent originating from a source on land into coastal waters in contravention of section 69;

(4) Ukuba ngaba iqela kwinkqubo yesibheni lifaka isicelo somyalelo wexeshana, uMphathiswa okanye uMphathiswa wePhondo kufuneka anike loo maqela aya kwisibheni ithuba elaneleyo lokwenza iziphakamiso ngomlomo okanye ngokubhaliweyo, kodwa angawunika umyalelo wexeshana ngokuxhomekeke ekwenziweni kweziphakamiso ngamaqela, ukuba ngaba uMphathiswa okanye uMphathiswa wePhondo uncsizathu sokukholiswa ukuba ukwenza njalo bubungisa okanye kuyafuneka ukuze kukbuselwe okusingqongileyo elunxwemeni. 5

Linkqubo zesigqeba esicebisayo kwizibheni

77. (1) USihlalo wesigqeba esicebisayo sezibheni nguye oqibayo ukuba isigqeba eso masidibane phi nini phi. 10

(2) Isigqeba esicebisayo sezibheni kufuneka sinike umbheni, umntu owathatha isigqibo okanye ofake isaziso esi kubhenwa kuso, naye nawu phi na umntu ochaphazelekayo nonomdla, ithuba elaneleyo lokwenza iziphakamiso ezibhaliweyo, kwaye singavumela neziphakamiso ezenziwa ngomlomo. 15

(3) Isigqeba esicebisayo sezibheni— 15

(a) kufuneka senze ngokunganamkhethe;

(b) singazenzela umgaqo-ngqubo waso;

(c) singasungula iingxoxo sikhuphe nemiyalelo aphathelelene nemiba yoququzelelo nomgaqo-nkqubo;

(d) singabiza sivavanye amangqinga aphantsi kwesifungo ngemibuzo; 20

(e) kufuneka, ekuhlengahlengiseni imiphumela yesibheni, sithathele ingqalelo oku—

(i) injongo zalo Mthetho; kwaye

(ii) naziphi na iinjongo eziphathelelene nokulawulo lonxweme okanye imigangatho neenkqubo-sikhokhelo ezifanelekileyo; kwaye 25

(iii) izikhokelo ezipapashwe okanye zaqiniselwa liSebe okanye i-arhente yephondo elo lichaphazelekayo.

(4) Isigqeba sokucebisa kwizibheni kufuneka sinikezele ingxelo ebhaliweyo kuMphathiswa okanye uMphathiswa wePhondo, echaza okufumanekileyo neziphakamiso. 30

(5) Isigqibo esithathwe sisininzi samalungu csigqeba sokucebisa kwizibheni sisigqibo sesigqeba, kodwa usihlalo kufuneka aqinisekise ukuba izimvo eziphikisayo zamanye amalungu zibhalwa phantsi kwingxelo yesigqeba.

Umiselo lwesibheni nguMphathiswa okanye nguMphathiswa wePhondo

78. (1) UMphathiswa okanye uMphathiswa wePhondo kufuneka aqwalasele isibheni yaye anga— 35

(a) sichitha isibheni aze angqine eso sigqibo bekubhenwa ngokuchasene naso;

(b) hamba inxalenye okanye sonke isibheni okanye aguqule isigqibo ekubhenwa kuso okanye asibeke bucala isigqibo aze athathe isigqibo esitsha; okanye 40

(c) siphindisela isibheni eso kwisigqeba sezibheni eso kunye neendawo ekufuneka ziphandiwe kuze kuqwalaselwe amnqaku okanye imiba egqalileyo ukuze kuphindwe kuziswe ingxelo kuMphathiswa okanye uMphathiswa wePhondo.

(2) Ukumisela isibheni uMphathiswa okanye uMphathiswa wephondo kufuneka anike ingqalelo— 45

(a) iinjongo zalo Mthetho;

(b) kunye nazo naziphi na iinjongo ezinxulumene nolawulo lonxweme; kunye

(c) neziphumo neziphakamiso zesigqeba sezibheni, kodwa akabotghelelwanga zizo.

ISAHLUKO 10

50

USETYENZISO

Ulwaphulo-mthetho

79. (1) Umntu unetyala lolwaphulo-mthetho lodidi lokuqala ukuba ngaba loo mntu—

(a) uchitha inkunkuma evela emhlabeni kumanzi olwandle ngokwaphula isolotya la-69; 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) incinerates at sea any waste or material in contravention of section 70;
 - (c) loads, imports or exports any waste or other material to be dumped or incinerated at sea in contravention of section 70;
 - (d) dumps any waste at sea in contravention of section 70;
 - (e) dumps any waste or other material at sea without a dumping permit in contravention of section 70; 5
 - (f) alters any authorisation;
 - (g) fabricates or forges any document for the purpose of passing it off as an authorisation;
 - (h) passes, uses, alters or has in possession any altered or false document purporting to be an authorisation; or 10
 - (i) makes any false statement or report, for the purpose of obtaining or objecting to an authorisation.
- (2) A person is guilty of a category two offence if that person— 15
- (a) fails to comply with a repair and removal notice issued in terms of section 60;
 - (b) hinders or interferes with a duly authorised person exercising a power or performing a duty in terms of this Act; or
 - (c) knowingly falsely represents that he or she is a person authorised to exercise powers in terms of this Act;
- (3) A person who is the holder of an authorisation is guilty of a category three offence if that person— 20
- (a) contravenes or fails to comply with a condition subject to which the authorisation has been issued;
 - (b) performs an activity for which the authorisation was issued otherwise than in accordance with any conditions subject to which the authorisation was issued; 25
 - or
 - (c) allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a) or (b).
- (4) A person is guilty of a category three offence if that person— 30
- (a) fails to comply with a coastal protection notice or access notice issued in terms of section 59; or
 - (b) contravenes any other provision of this Act which is not referred to in subsection (1), (2) or (3).

Penalties

80. (1) A person who is guilty of a category one offence referred to in section 79(1) may be sentenced to a fine of up to R5 000 000 or to imprisonment for a period of up to ten years, or to both such fine and imprisonment. 35

(2) A person who is guilty of a category two offence referred to in section 79(2) may be sentenced on a first conviction for that offence to a fine of up to R500 000 or to imprisonment or community service for a period of up to five years, or to both such fine, imprisonment or community service. 40

(3) A person who is guilty of a category three offence referred to in section 79(3) may be sentenced on a first conviction for that offence to a fine of up to R50 000 or community service for a period of up to six months or to both such fine and community service. 45

(4) A person who is guilty of a category two or three offence may be sentenced on a second conviction for that offence as if he or she has committed a category one or two offence.

(5) A court that sentences any person—

- (a) to community service for an offence in terms of this Act must impose a form of community service which benefits the coastal environment, unless it is not possible to impose such a sentence in the circumstances; 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) utshisela elwandle nayiphi na inkunkuma okanye nantoni na ngokwaphula isolotyala la-70;
- (c) ukhwelisa, angenise apha elizweni okanye athumele kwelinye ilizwe nayiphi inkunkuma okanye nantoni na ezifuna ukulahlwa okanye ukutshiselwa elwandle ngokwaphula isolotyala la-70; 5
- (d) ulahlela elwandle nayiphi na inkunkuma ngokwaphula isolotyala la-70;
- (e) Ulahlela nayiphi inkunkuma okanye nantoni na elwandle ngaphandle kokuba nemvume yokulahlwa ngokwaphula isolotyala la-70;
- (f) uguqula nasiphi na isigunyaziso;
- (g) uzenzela okanye wenza ngenkohliso naluphi na uxwebhu ngenjongo yokuludlulisa njengesigunyaziso; 10
- (h) udlulisa, usebenzisa, uguqula okanye unoxwebhu oluguqulweyo okanye olungeyonyaniso alusebenzisa njengesigunyaziso; okanye
- (i) unika ngabom inkcazelo okanye ingxelo engeyonyaniso, ngenjongo yokufumana okanye yokuchasa isigunyaziso. 15
- (2) Umntu unetyala lolwaphulo-mthetho lodidi lwesibini ukuba ngaba loo mntu—
- (a) akaphumeleli ukuthobela isaziso sokulungisa nokususa esikhutshwe ngokwemimiselo yesolotyala la-60;
- (b) uthintela okanye uphazamisa ukusebenza komntu ogunyaziswe ukuba asebenzise igunya okanye enze umsebenzi ngokwemimiselo yalo Mthetho; okanye 20
- (c) ngokuqonda nangokungeyonyaniso uzenza umntu ogunyazisiweyo ukuba asebenzise amagunya ngokwemimiselo yalo Mthetho.
- (3) Umntu ongumnikazi wesigunyaziso unetyala lolwaphulo-mthetho lodidi lwesibini ukuba ngaba loo mntu— 25
- (a) waphula okanye uyasilela ukuthobela imeko esikhutshwe phantsi kwayo eso sigunyaziso;
- (b) wenza umsebenzi isigunyaziso esasikhutshelwe wona ngenye indlela kunangokwemiqathango yazo naziphi iimeko esikhutshwe phantsi kwazo eso sigunyaziso; okanye 30
- (c) uvumela nawuphi na omnye umntu ukuba enze, okanye asilele ekwenzeni, nantoni na elulwaphulo-mthetho ngokwemimiselo yomhlathi (a) okanye (b).
- (4) Umntu unetyala lolwaphulo-mthetho lodidi lwesithathu ukuba ngaba loo mntu—
- (a) uyasilela ukuthobela isaziso sokhuselo lwamanxweme okanye isaziso sofikelelo esikhutshwe ngokwemimiselo yesolotyala la-59; okanye 35
- (b) waphula naliphi na elinye isolotyala lalo Mthetho nekungabhekiswanga kulo kumasolotyana (1), (2) okanye (3).

Izohlwayo

80. (1) Umntu onetyala lolwaphulo-mthetho lodidi lokuqala ekubhekiswa kulo kwisolotyala la-79(1) angagwetywa isohlwayo semali esingafikelela kwi-R5 000 000 okanye isigwebo sangaphakathi esingafikelela kwiminyaka elishumi, okanye zombini isohlwayo semali nesigwebo sangaphakathi. 40

(2) Umntu onetyala lolwaphulo-mthetho lodidi lwesibini ekubhekiswa kulo kwisolotyala la-79(2) kwisihlandlo sokuqala kolo lwaphulo-mthetho angagwetywa isohlwayo semali engafikelela kuma-R500 000 okanye isigwebo sangaphakathi okanye isigwebo sokwenza iinkonzo zoluntu esingafikelela kwiminyaka emihlanu okanye zombini isohlwayo semali, esinjalo, nesigwebo sangaphakathi okanye nesigwebo seenkonzo zoluntu. 45

(3) Umntu onetyala lolwaphulo-mthetho lodidi lwesithathu ekubhekiswa kulo kwisolotyala la-79(3) kwisihlandlo sokuqala kolo lwaphulo-mthetho angagwetywa isohlwayo semali esingafikelela kuma-R50 000 okanye isigwebo seenkonzo zoluntu esingafikelela kwiinyanga ezintandathu okanye zombini isohlwayo esinjalo semali nesigwebo seenkonzo zoluntu. (4) Umntu onetyala lolwaphulo-mthetho lodidi lwesibini okanye lwesithathu kwisihlandlo sesibini angagwetywa njengomntu owaphule umthetho wodidi lokuqala okanye lwesibini. 50

(5) Inkundla egweba nawuphi na umntu—

- (a) isigwebo seenkonzo zoluntu kulwaphulo-mthetho oluphantsi kwemimiselo yalo Mthetho kufuneka imisele uhlobo lweenkonzo zoluntu eziza kwenza ukuba okungqonge amanxweme kuxhamle ngazo, ngaphandle kokuba ukuwisa isigwebo esinjalo akulungi kuloo meko; 60

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) for any offence in terms of this Act, may suspend, revoke or cancel an authorisation granted to the offender under this Act.

Jurisdiction of courts

81. If a person is charged with the commission of an offence in terms of this Act on, in or above coastal waters, a court whose area of jurisdiction abuts on the coastal waters has jurisdiction in the prosecution of the offence. 5

Actions in relation to coastal zone

- 82.** The Minister, an MEC or a municipality concerned may—
- (a) institute legal proceedings or take other appropriate measures—
 - (i) to prevent damage, or recover damages for harm suffered to coastal public property or the coastal environment; or 10
 - (ii) to abate nuisances affecting the rights of the public in its use and enjoyment of coastal public property; and
 - (b) accept service of legal processes and defend any legal proceedings instituted in connection with coastal public property. 15

CHAPTER 11

GENERAL POWERS AND DUTIES

Part 1

Regulations

Regulations by Minister 20

- 83.** (1) The Minister may make regulations relating to any matter which this Act requires to be dealt with in regulations or that may be necessary to facilitate the implementation of this Act, including, but not limited to, regulations relating to—
- (a) the implementation and enforcement of the national coastal management programme; 25
 - (b) the sustainable use of coastal resources in order to address poverty in communities dependent on coastal resources for their livelihood;
 - (c) the sustainable use of coastal resources;
 - (d) coastal public property, including regulations concerning—
 - (i) public access to coastal public property; 30
 - (ii) the rehabilitation of coastal public property;
 - (iii) fees, costs and rents for the use of coastal public property; and
 - (iv) research conducted within, or in respect of, coastal public property;
 - (e) the type and format of data to be submitted to the Department or other organs of state for the purposes of monitoring the coastal environment and the implementation of this Act or maintaining a coastal information system; 35
 - (f) the establishment of national norms, standards and frameworks to implement this Act, including systems, guidelines, protocols, procedures, standards and methods, concerning—
 - (i) the content and regular revision of the coastal management programmes of provinces and municipalities; 40
 - (ii) the implementation and enforcement of coastal management programmes;

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) kulo naluphi na ulwaphulo-mthetho ngokwemimiselo yalo Mthetho, ingaxhoma, irhoxise okanye icime isigunyaziso esinikwe umaphuli-mthetho phantsi kwalo Mthetho.

Amagunya cenkundla

81. Ukuba ngaba umntu umangalelwe ngolwaphulo-mthetho ngokwemimiselo yalo Mthetho alwenze ku, phakathi okanye phezulu kwamanzi onxweme, inkundla elawulo lwayo lwayame kumanzi onxweme inegunya ekutshutshisweni kolo lwaphulo-mthetho. 5

Amanyathelo anxulumene nommandla wamanxweme kawonkewonke

82. UMphathiswa, uMphathiswa wePhondo okanye umasipala obandakanyekayo anga— 10
- (a) qalisa amanyathelo asemthethweni okanye athabathe amanye amanyathelo afanclekileyo—
- (i) ukuthintela umonakalo, okanye ukulungisa umonakalo owenzeke kummandla wamanxweme kawonkewonke okanye kokusingqongileyo emanxwemeni; okanye 15
- (ii) ukudambisa iingxaki ezichaphazela amalungelo oluntu okusebenzisa nokonwabela ummandla wamanxweme kawonkewonke; kunye
- (b) mkela inkonzo yamanyathelo asemthethweni nokukhusela nawaphi na amanyathelo asemthethweni anxulumene nommandla wamanxweme kawonkewonke. 20

ISAHLUKO 11

AMAGUNYA JIKELELE NEMISEBENZI

INdima yo-1:

Imimiselo

Imimiselo nguMphathiswa 25

83. (1) UMphathiswa angenza imimiselo enxulumene nawo nawuphi na umbandela ekulindeleke ukuba lo Mthetho usebenze nawo kwimimiselo okanye esenokufuneka ukukhawulezisa ukuphunyezwa kwalo Mthetho kuquka, kodwa kungamiswa mda, kwimimiselo enxulumene—

- (a) nokuphumeza nokuqinisekisa ukuphunyezwa kwenkqubo yolawulo lwamanxweme yesizwe; 30
- (b) nokusetyenziswa okuzinzileyo kwemithombo yonxweme ukulwa ubuhlwempu kubahlali ababomi babo buxhomekeke kwemithombo yonxweme ukuziphilisa;
- (c) nokusetyenziswa okuzinzileyo kwemithombo yonxweme; 35
- (d) nommandla wonxweme kawonkewonke, kuquka nemimiselo enxulumene—
- (i) nokufikelela koluntu kummandla wonxweme kawonkewonke;
- (ii) nokuvuselela ummandla wonxweme kawonkewonke;
- (iii) nemirhumo, iindleko, neentlawulo zengqesho yokusebenzisa ummandla wonxweme kawonkewonke; kunye 40
- (iv) nophando olwenziwa ngaphakathi, okanye ngokunxulumene, nommandla wonxweme kawonkewonke;
- (e) nohlobo nokwakheka kwe-data eza kungeniswa kwiSebe okanye kweminye imibutho yaseburhulumenteni ngeenjongo zokubeka esweni okusingqongileyo emanxwemeni nokuphunyezwa kwalo Mthetho okanye ukugcina isixokelelwano solwazi ngamanxweme; 45
- (f) nokumiselwa kwezithethe, imigangatho neenkqubo-sikhokelo zesizwe ukuphumeza lo Mthetho, kuquka izixokelelwano, izikhokelo, iindlela zokuziphatha, iinkqubo, imigangatho neendlela zokwenza, ezinxulumene—
- (i) nomxholo nokuphengululwa rhoqo kweenkqubo zolawulo lwamanxweme amaphondo noomasipala 50
- (ii) nokuphumeza nokuqinisekisa ukuphunyezwa kweenkqubo zolawulo lwamanxweme;

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (iii) the monitoring of the implementation of coastal management programmes and the performance of any functions contemplated in this Act, including indicators to evaluate effectiveness and progress;
- (iv) the amendment of coastal planning schemes;
- (v) the quality of coastal public property and coastal ecosystems; 5
- (vi) the factors that must be taken into account when deciding applications;
- (vii) the circumstances in which exemption may be given from compliance with a coastal management programme;
- (viii) the uses of the coastal zone that do not conform with the relevant coastal planning scheme; 10
- (ix) the outcomes that must be achieved by managing and treating all or any category of effluent, discharges from storm-water drains, or waste or other material, before it is discharged or deposited on or in coastal public property or in a place within the coastal zone from where it is likely to enter coastal public property, including those relating to the kind, 15
quantity and characteristics of effluent, waste or other material that may be discharged or deposited;
- (x) who should monitor and analyse effluent, waste or other material referred to in subparagraph (ix) and the methods that should be used to do so;
- (xi) the appointment, training, powers and supervision of voluntary coastal officers; 20
- (xii) public safety and behaviour on coastal public property; or
- (xiii) any activity which has an adverse effect on the coastal environment.
- (g) the procedures to be followed with the lodging and consideration of applications for authorisations, including — 25
 - (i) the conditions with which applicants must comply before or after the lodging of their applications;
 - (ii) the application fees to be paid;
 - (iii) the authorities that will be competent to issue the different categories of authorisation; 30
 - (iv) the consultation procedures to be followed with organs of state and other interested and affected parties;
 - (v) the authorities whose consent is required before permits may be issued;
 - (vi) the procedures for objecting to such applications;
 - (vii) the powers of issuing authorities when considering and deciding such applications; 35
 - (viii) the factors that must be taken into account when deciding applications;
 - (ix) the circumstances in which applications must be refused or may be approved and guidelines as to the conditions on which permits may or must be issued; 40
 - (x) the bid process to be followed for the award of coastal leases and coastal concessions;
- (h) the contents of authorisations;
- (i) the giving of security in respect of any obligation that may arise from carrying out activities authorised by permits, coastal leases or coastal concessions, and the form of such security; 45
- (j) the procedure to be followed in connection with the lodging and consideration of appeals in terms of Chapter 9, including—
 - (i) the fees to be paid;
 - (ii) the conditions with which appellants must comply before or after the lodging of their appeals; 50
 - (iii) the powers of, and the procedure to be followed by, an MEC when considering and deciding such appeals;

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (iii) nokubeka esweni ukuphunyezwa kweenkqubo zolawulo lwamanxweme nokusebenza nayiphi na imisebenzi ecamngcwe kulo Mithetho, kuquka nemikhomandlela evavanya ukusebenza kakuhle nenkqubela;
- (iv) nokuhlonyelwa koyilo lokwahlula amanxweme ngokwemimandla;
- (v) nomgangatho wommandla wonxweme kawonkewonke kunye nezixokelelwano zezinto eziphila emanxwemeni nendawo eziphila kuyo; 5
- (vi) nemibandela ekufuneka ithathelwe ingqalelo xa kuthatyathwa izigqibo ngezicelo;
- (vii) nemccko zokukhululwa ekuthobeleni okunganikwa nokuvumelana nenkqubo yolawulo lwamanxweme; 10
- (viii) nemisebenzi yokwahlula ngokwemimandla yamanxweme angavumelaniyo noyilo lokwahlulwa kwamanxweme abandakanyekayo ngokwemimandla;
- (ix) neziphumo amaziphunyezwe ngokulawula nokuphatha zonke okanye naziphi na iintlobo zenkunkuma, ukuchithwa okuphuma kwimibhobho yamanzi emvula, okanye yenkunkuma okanye yezinye izinto, phambi kokuba ichithwe okanye ikhutshelwe ku okanye emmandleni wonxweme kawonkewonke, okanye kwindawo engaphakathi kommandla wonxweme kawonkewonke apho kusenokwenzeka ukuba ingene kummandla wonxweme kawonkewonke, kuquka nezo zinxulumene nodidi, ubungakanani nohlobo lokungcola, inkunkuma okanye ezinye izinto ezingachithwa okanye zikhutshelwe; 15 20
- (x) nokuba ngubani ofanele ukubeka esweni futhi aphonononge ukungcola, inkunkuma okanye ezinye izinto ekubhekiswa kuzo kumhlathana (ix) kunye neendlela emazisetyenziswe ukwenza oko; 25
- (xi) nokumiselwa, ukuqeqesha, amagunya nokonganyelwa kwamagosa amanxweme angamavolontiya;
- (xii) nokhuseleko nokuziphatha koluntu kummandla wonxweme kawonkewonke; nawuphi na umsebenzi onesiphumo esibi kunxweme.
- (g) neenkqubo amazilandelwe ngokufakwa nokuqwalaselwa kwezicelo zesigunyaziso kuquka— 30
- (i) imiqathango emayithotyelwe ngulowo ufake isicelo phambi okanye emva kokufakwa kwezicelo zabo;
- (ii) umrhumo omawuhlawulelwa ukufaka isicelo;
- (iii) oogunyaziwe abaziingcali kumsebenzi wokukhupha iindidi ezahlukeneyo zezigunyaziso; 35
- (iv) iinkqubo zothethathethwano ekufuneka zilandelwe nemibutho yaseburhulumenteni namanye amaqela anomdla nachaphazelekayo;
- (v) oogunyaziwe ekufuneka iimvume yabo phambi kokukhutshwa kweemvume; 40
- (vi) iinkqubo zokuchaswa kwezicelo ezinjalo;
- (vii) amagunya oogunyaziwe abakhupha iimvume xa beqwalasela bekwathabatha izigqibo ngezicelo ezinjalo;
- (viii) imibandela ekufuneka ithatyathelwe ingqalelo xa kuthathwa izigqibo ngezicelo; 45
- (ix) iimeko apho izicelo kufuneka zaliwe khona okanye ziphunyezwe kunye nezikhokelo ezingemiqathango yokuba iimvume zinokukhutshwa okanye kufuneka zikhutshiwe;
- (x) inkqubo yesiniki xabiso ekufuneka ilandelwe ukwenzela ukunikezelwa koqeshiso ngonxweme nclungelo lonxweme; 50
- (h) iziqulatho zesigunyaziso;
- (i) ukunika ukhuseleko ngokuthobela naziphi na iimvumelwano ezibophelelayo ezinokuvela xa kusenziwa imisebenzi egunyaziswe ngeemvume, uqeshiso ngonxweme okanye ngelungelo lonxweme kwanohlobo lokhuseleko olunjalo; 55
- (j) inkqubo ekufuneka ilandelwe chambelana nokufakwa nokuqwalaselwa kwezibheno ngokwemimiselo yeSahluko 9, kuquka—
- (i) umrhumo omawuhlawulwe;
- (ii) imiqathango emayithotyelwe ngumbheni ngaphambi nasemva kokufaka isibheno; 60
- (iii) amagunya, nenkqubo ekufuneka ilandelwe, nguMphathiswa wePhondo xa eqwalasela naxa athatha izigqibo ngezibheno ezinjalo;

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (iv) the circumstances in which a temporary stay may be granted in the carrying out of notices in terms of section 59 or 60, or an amendment, revocation, suspension or cancellation of permits, leases or concessions in terms of section 68;
 - (k) methods, procedures and conditions of enforcing compliance with authorisations; 5
 - (l) the issuing and contents of notices to persons who have contravened or failed to comply with—
 - (i) a provision of this Act;
 - (ii) a coastal management programme; or 10
 - (iii) a condition of a permit, coastal lease or coastal concession;
 - (m) training, education and public awareness programmes on the protection, conservation and enhancement of the coastal environment and the sustainable use of coastal resources;
 - (n) the presence and use of vehicles and aircraft within the coastal zone; 15
 - (o) the presence and recreational use of vessels on coastal waters;
 - (p) the seizing, removal and disposal of vehicles, vessels, aircraft or property suspected of being used in the commission of an offence under this Act and of coastal resources suspected of having been illegally obtained;
 - (q) methods, procedures and conditions for obtaining access to relevant information, including entry to private property; and 20
 - (r) the issuing and contents of permits or licences.
- (2) The Minister must obtain the consent of the Minister of Finance before making any regulation that—
- (a) will entail the expenditure of funds in future years; or 25
 - (b) prescribes application fees for, or other monies in relation to, dumping permits or coastal waters discharge permits.
- (3) The Minister must consult with —
- (a) the Minister of Finance before making any regulations imposing fees, costs or rents; 30
 - (b) the Minister responsible for water affairs before making any regulations concerning estuaries; or
 - (c) the MEC and municipalities before making any regulations concerning the coastal zone within that province.

Regulations by MECs 35

- 84.** (1) The MEC of a province may, after consultation with the Minister, make regulations that are consistent with any national norms or standards that may have been prescribed, relating to—
- (a) the implementation and enforcement of the coastal management programme of the province; 40
 - (b) the management of the coastal protection zone within the province;
 - (c) the use of coastal public property for recreational purposes;
 - (d) the impounding, removal and disposal of vehicles, vessels, aircraft or property found abandoned on coastal public property;
 - (e) the granting of permission for the erection, placing, alteration or extension of a structure that is wholly or partially seaward of a coastal set-back line and the process to be followed for acquiring such permission, including the authority by whom, the circumstances in which and the conditions on which such permission may be given; 45
 - (f) the implementation within the province of any national norm, framework or standard referred to in section 83(1)(f); 50
 - (g) the management of special management areas; or

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (iv) iimeko apho ukuhlala kwethutyana kunganikwa ngelixa kunikezelwa isaziso ngokwemimiselo yesolotyala-59 okanye 60, okanye ukuhlomela, urhoxiso, ukuxhonywa okanye ukucinywa kweemvume, uqeshiso nelungelo ngokwemimiselo yesolotyala-68;
- (k) iindlela zokwenza, iinkqubo nemiqathango eqinisekisa ukuthotyelwa kwesigunyaziso; 5
- (l) ukukhutshwa nesiqulatho sezaziso kubantu abaphule umthetho okanye ahasilelayo ekuthobeleni—
- (i) isolotyala lalo Mthetho; 10
- (ii) inkqubo yolawulo lwamanxweme; okanye
- (iii) imiqathango yemvume, yoqeshiso ngonxweme okanye yelungelo lonxweme;
- (m) uqeqesho, imfundo neenkqubo zokuvundlisa uluntu ngokhuselo, ukulondolozwa nokwandiswa kokusingqongileyo kumanxweme nosetyenziso oluzinzileyo lwemithombo yamanxweme; 15
- (n) ubukho nokusetyenziswa kwezithuthi neenqwelomoya kwimimandla yonxweme;
- (o) ubukho nokusetyenziselwa ulonwabo kweenqanawa kumanzi onxweme;
- (p) ukuthimba, ukususa nokulahla izithuthi, iinqanawa, iinqwelomoya okanye impahla/isakhiwo ekucingelwa ukuba sisetyenziselwa ulwaphulo-mthetho phantsi kwalo Mthetho nobutyebi bamanxweme ekucingelwa ukuba bufunyenwe ngokungekho mthethweni; kunye 20
- (q) neendlela, iinkqubo nemiqathango yokufumana ufikelelo kulwazi olufanelekileyo kuquka ukungena kwindawo yabucala.
- (r) ukukhutshwa kweemvume okanye iilayisensi kunye noko zikuquletheyo. 25
- (2) UMphathiswa kufuneka afumane imvume kuMphathiswa weZimali phambi kokwenza nawuphi ummiselo oza—
- (a) kuqulatha inkcitho mali kwiminyaka ezayo, okanye
- (b) kumisela imirhumo yokufaka izicelo, okanye ezinye iintlawulo ezinxulumene, neemvume zokulahla okanye iimvume zokuchitha amanzi onxweme. 30
- (3) UMphathiswa kufuneka athethathethane no—
- (a) Mphathiswa weZimali phambi kokwenza nayiphi na imimiselo yokubeka imirhumo, iintlawulo okanye iintlawulo zoqeshiso;
- (b) Mphathiswa ojongene nemicimbi yezamanzi phambi kokwenza nayiphi na imimiselo ephathelene namachweba; 35
- (c) Mphathiswa wePhondo nomasipala phambi kokwenza nayiphi na imimiselo enxulumene nemimandla yamanxweme kwiphondo elo.

Imimiselo ngabaphathiswa bamaphondo

84. (1) UMphathiswa wePhondo unakho, emva okuthethathethana noMphathiswa, ukwenza imimiselo ehambelanayo nezithethe okanye imigangatho yesizwe enokuba seyamiselwa, enxulumene no—
- (a) kuphumeza nokuqinisekisa ukuthotyelwa kwenkqubo yolawulo lwamanxweme ephondo;
- (b) lawulo lokhuselo lwamanxweme ommandla ongaphakathi kwiphondo; 45
- (c) kusetyenziswa kommandla wonxweme kawonkewonke ngeenjongo zolonwabo;
- (d) kuthimba, ukususa nokulahla izithuthi, iinqanawa, iinqwelomoya okanye impahla/indawo efunyenwe ishiywe yodwa kummandla wonxweme kawonkewonke; 50
- (e) nokunika imvume yokwakha, yokubeka, yokuguqula okanye ukwandisa isakhiwo esiyela sonke okanye inxalenye yaso iyela ngaselwandle kwicala lomgca wokubuyela emva kolwandle kunye nenkqubo ekufuneka ilandelwe ukufumana imvume enjalo, kuquka, negunya linikwe ngubani, iimeko kunye nemiqathango imvume enjalo engakhutshwa phantsi kwayo; 55
- (f) kuphumeza kwangaphakathi ephondweni kwaso nasiphi na isithethe, inkqubo-sikhokelo okanye umgangatho wesizwe ekubhekiselwe kuwo kwisolotyala-83(1)(f);
- (g) lawulo lweendawo zolawulo ezizodwa; okanye

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(h) any other matter referred to in section 83(1), other than in paragraph (f) of that section, that may be necessary to facilitate the implementation of this Act in the province.

(2) Any regulation which will entail the expenditure of funds in future years may be made only with the concurrence of the MEC responsible for finance in the province. 5

General provisions applicable to regulations

85. (1) The Minister or MEC must publish draft regulations for public comment and must take any submissions received into account before making any regulations in terms of sections 83 or 84.

(2) Subsection (1) need not be applied in the case of a minor or a mere technical amendment to regulations. 10

(3) Regulations made in terms of section 83 or 84 may—

(a) restrict, prohibit or control any act that may have an adverse effect on the coastal environment, either absolutely or conditionally;

(b) apply generally— 15

(i) throughout the Republic or province, as the case may be, or only in a specified area or category of areas;

(ii) to all persons or only to a specified category of persons;

(iii) to all prohibited activities or only to a specified activity or category of activities; or 20

(iv) to all types of waste or other materials or only to specified waste or other material or a category of waste or other material;

(c) differentiate between different—

(i) areas or categories of areas;

(ii) persons or categories of persons; 25

(iii) activities or categories of activities; or

(iv) types of wastes or other materials or categories of types of waste or other materials;

(d) provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to— 30

(i) imprisonment for a period not exceeding two years;

(ii) an appropriate fine; or

(iii) both such fine and imprisonment.

Amendment of Schedule 2

86. The Minister may by notice in the *Gazette* amend Schedule 2 so as to ensure that it continues to give effect to the Republic's obligations under international law. 35

Part 2

Powers to be exercised by Minister and MEC

Powers to be exercised by Minister

87. (1) The Minister must exercise the powers granted to the MEC in terms of section 22 to excise all or part of a protected area from the coastal protection zone, if all or any part of that area— 40

(a) extends into the sea for more than 500 metres from the high water mark;

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

- (h) nayiphi na eminye imiba ekubhekiselwe kuyo kwisolotyala la-83(1), ngaphandle kornhlathi (f) welo solotyala, engayimfuneko ekukhawuleziseni ukuphunyeczwa kwalo Mthetho ephondweni.
- (2) Nawuphi na ummiselo oza kuqulatha inkcitho mali yeminyaka ezayo ungenziwa kuphela ngokuvumelana noMphathiswa wePhondo ophethe imicimbi yezimali ephondweni. 5

Izibonelelo jikelele ezibandakanyekayo kwimimiselo

85. (1) UMphathiswa okanye uMphathiswa wePhondo kufuneka apapashe imimiselo equlunqwayo ukufumana izimvo zoluntu yaye kufuneka aqwalasele naziphi na izimvo azifumanayo phambi kokwenza nawuphi na ummiselo ngokwemimiselo yamasolotyala 83 okanye 84. 10
- (2) Isolotyala (1) akukho mfuneko yokuba lisetyenziswe kwimiba nje emincinci okanye kwisihlomelo semimiselo esenziwa ngenxa yempazamo kubuxhakaxhaka obusetyenziswayo. 15
- (3) Imimiselo eyenziwe ngokwemimiselo 83 okanye 84—
- (a) ingamisela umda, ithintele okanye ilawule nawuphi umsebenzi ongaba neziphumo ezibi kokusingqongileyo enxwemeni, ngokugqibeleleyo okanye ngokunemiqathango; 20
- (b) ingasebenza jikelele—
- (i) kwiRiphabhliki iphela okanye kwiphondo, njengokuba kunokwenzeka, okanye isebenza kwindawo ethile kuphela okanye kudidi oluthile lwendawo; 25
- (ii) kuwo wonke umntu okanye kubantu bodidi oluthile kuphela;
- (iii) kuyo yonke imisebenzi engavunyelwanga okanye kwimisebenzi ethile kuphela okanye kudidi oluthile lwemisebenzi; okanye 25
- (iv) kuyo yonke inkunkuma okanye ezinye izinto okanye kudidi oluthile lwenkunkuma okanye lwezinye izinto;
- (c) Yabulala phakathi koyahlukile—
- (i) iindawo okanye iindidi zeendawo; 30
- (ii) abantu okanye iindidi zabantu;
- (iii) imisebenzi okanye iindidi zemisebenzi; okanye
- (iv) iintlobo zenkunkuma okanye ezinye izinto okanye iindidi zeentlobo zenkunkuma nezinye izinto; 35
- (d) Balula ukuba nawuphi na umntu owaphula okanye osilelayo ukuthobela umqathango wawo unetyala lolwaphulo-mthetho yaye xa efunyenwe enetyala kufanele agwetywe—
- (i) isigwebo sangaphakathi sexesha clingekho ngaphuzu kweminyaka emibini; 40
- (ii) isohlwayo semali; okanye
- (iii) zombini isohlwayo semali nesigwebo sangaphakathi. 40

Ukuhlonyelwa koluhlu 2

85. UMphathiswa unakho ngesaziso kwiPhephandaba loMbuso ukuhlomela uLuhlu le-2 ukuqinisekisa ukuba luyaqhubeka ukunika imvakalelo kwizibophelelayo zeRiphabhliki phantsi komthetho wamazwe ngamazwe.

INDIMA YE-2: 45

Amagunya amakasetyenziswe nguMphathiswa noMphathiswa wePhondo

Amagunya amakasetyenziswe nguMphathiswa

87. (1) UMphathiswa makasebenzise amagunya anikwe uMphathiswa wePhondo ngokwemimiselo yecandelo la-22 ukusebenzisa yonke okanye inxalenye yendawo ekhuselweyo kummandla wamanxweme okhuselweyo okanye ngokwemimiselo yesolotyala la-23 ukubhengeza indawo yolawulo olulodwa, ukuba ngaba yonke loo ndawo okanye inxalenye yayo— 50
- (a) inabela elwandle ngaphezulu kwama-500 eemitha kwinqanaba eliphezulu lamanzi;

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

- (b) is a national protected area as defined in the Protected Areas Act;
 - (c) straddles a coastal boundary between two provinces; or
 - (d) extends up to, or straddles, the borders of the Republic of South Africa.
- (2) If subsection (1) applies, the reference to the MEC in section 22 must be read as a reference to the Minister. 5

Directives by MEC to municipalities

- 88.**(1) An MEC may in writing direct a municipality to take specified measures if the MEC is satisfied that the municipality is not taking adequate measures to—
- (a) prevent or remedy adverse effects on the coastal environment;
 - (b) adopt or implement a municipal coastal management programme; or 10
 - (c) give effect to the provincial coastal management programme.
- (2) The MEC may not issue a directive under subsection (1) without first consulting with the municipality and giving it a reasonable opportunity to make representations.
- (3) If the municipality does not comply with a directive under subsection (1) the MEC may use any powers granted to the MEC under this Act to take measures to prevent or 15
remedy adverse effects on the coastal environment, to implement or monitor compliance with provincial norms and standards, or to give effect to the provincial coastal management programme.

Part 3

Delegations and enforcement 20

Delegation by Minister

- 89.** (1) The Minister may delegate any power or duty assigned to the Minister in terms of this Act to—
- (a) the Director-General or to other officials in the Department;
 - (b) an MEC, by agreement with that MEC; or 25
 - (c) any other organ of state, statutory functionary, traditional council or management authority of a special management area, by agreement with that organ of state, statutory functionary, traditional council or management authority.
- (2) A delegation in terms of subsection (1)— 30
- (a) is subject to any limitations, conditions and directions the Minister may impose;
 - (b) is subject to consultation with the relevant MEC if the organ of state to whom the power or duty is delegated is a municipality;
 - (c) must be in writing; 35
 - (d) may include the power to subdelegate; and
 - (e) does not divest the Minister of the responsibility concerning the exercise of the power or the performance of the duty.
- (3) The Minister must give notice in the *Gazette* of any delegation of a power or duty to an MEC, an organ of state, a statutory functionary, a traditional council or a 40
management authority of a special management area.
- (4) The Minister may confirm, vary or revoke any decision made taken in consequence of a delegation or subdelegation in terms of a provision of this Act or of a statute repealed by this Act.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) yindawo ekhuselweyo yesizwe njengoko ichaziwe kuMthetho weeNdawo eziKhuselweyo;
- (c) ingxabalazele phezu komda olunxwemeni phakathi kwamaphondo amabini, okanye
- (d) inabele, okanye ingxahalazele de iyokufika kwimida yeRiphablikhi yoMzantsi Afrika. 5
- (2) Ukuba isolotyana (1) liyachaphazeleka, izalathiso kumasolotyana 22, 23 no-24, ezibhekisa kuMphathiswa wePhondo kufuneka zifundwe njengezalathiso ezibhekisa kuMphathiswa ukuze isalathiso kwisolotyana 23 esibhekisa kuMphathiswa sifundwe njengesalathiso esibhekisa kuMphathiswa wePhondo. 10

Imiyalelo ephuma kuMphathiswa wePhondo eya koomasipala

- 88.** (1) UMphathiswa wePhondo angabhalela umasipala amyalele ukuba makathathe amanyathelo athile achaziweyo ukuba ngaba uMphathiswa wePhondo uzesizathu esimenza ukuba abone umasipala njengongathathi inanyathelo anelisayo uku—
- (a) nqanda okanye ukulungisa iziphumo ezibi zokusingqongileyo enxwemeni; 15
- (b) ukwamkela okanye ukuphumeza inkqubo yolawulo lonxweme; okanye
- (c) ukwenza ukuba inkqubo yolawulo lwamanxweme wamaphondo isebenze.
- (2) UMphathiswa wePhondo usenokungakhuphi myalelo phantsi kwesolotyana (1) engaqalanga wabonisa nomasipala aze amnike nethuba elifanelekileyo lokwandlala izimvo zakhe. 20
- (3) Ukuba ngaba umasipala akawuthobelanga umyalelo phantsi kwesolotyana (1) uMphathiswa wePhondo angasebenzisa nawaphi na amagunya anikwe uMphathiswa wePhondo phantsi kwalo Mthetho ukuthatha amanyathelo okunqanda okanye okulungisa iziphumo ezibi zokusingqongileyo emanxwemeni, ukuphumeza okanye ukubeka esweni ukuthotyelwa kwezithethe nemigangatho yamaphondo, ukwenza ukuba inkqubo yolawulo lwamanxweme yophondo isebenze. 25

Indima ye-3:

Ulwabiwo-magunya nokunyanzeliswa kwawo

Ukwabelwa amagunya nguMphathiswa

- 89.** (1) UMphathiswa angaba naliphi na igunya okanye umsebenzi onikwe uMphathiswa ngokwemimiselo yalo Mthetho esabela— 30
- (a) uMphathi-Jikelele okanye amanye amagosa kwiSebe;
- (b) uMphathiswa wePhondo, ngokuvumelana noMphathiswa wePhondo; okanye
- (c) nawuphi na omnye umbutho waseburhulumenteni, igosa elimiselwe ngokomthetho, ibhunga lemveli, okanye ugunyaziwe wolawulo lwendawo yolawulo oludwa, ngokwesivumelwano nalo mbutho waseburhulumenteni, igosa elimiselwe ngokomthetho, ibhunga lemveli okanye ugunyaziwe wolawulo. 35
- (2) Ulwabiwo-magunya ngokwemimiselo yesolotyana (1)—
- (a) luxhomekeke kuyo nakweyiphi na imiqobo, iimeko nemiyalelo enokubekwa nguMphathiswa; 40
- (b) luxhomekeke ekubonisaneni noMphathiswa wePhondo ochaphazelekayo ukuba ngaba umbutho waseburhulumenteni elabelwe wona igunya okanye umsebenzi lingumasipala;
- (c) kufuneka kubhalwe phantsi; 45
- (d) kungaquka nokwabelwa ngamagunya komntu ongezantsi; kwaye
- (e) akohluthi uxanduva loMphathiswa ngokubhekiselele ekusetyenzisweni kwegunya okanye ukwenza umsebenzi.
- (3) UMphathiswa kufuneka akhuphe isaziso kwiPhephandaba loMbuso esingokwabelwa amagunya okanye umsebenzi koMphathiswa wePhondo, umbutho waseburhulumenteni, igosa elimiselwe ngokomthetho, ibhunga lemveli okanye ugunyaziwe wolawulo. 50
- (4) UMphathiswa angaqinisekisa, atshintshe okanye arhoxise nasiphi na isigqibo esenziweyo kusetyenziswa ulwabiwo magunya okanye ngokwabelwa ngamagunya kokungezantsi ngokwegatya lalo Mthetho okanye ngokomthetho obhangiswe ngulo Mthetho. 55
- (5) UMphathiswa—

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

(5) The Minister—

- (a) may not delegate a power or duty vested in the Minister—
 - (i) to make regulations;
 - (ii) to publish notices in the *Gazette*; or
 - (iii) to appoint the members of the National Coastal Committee; and
- (b) may withdraw by notice in writing any delegation made in terms of a provision of this Act or of a statute repealed by this Act.

Enforcement by Minister

90. (1) The Minister may in writing request an MEC to take specified measures if the Minister is satisfied that the MEC is not taking adequate measures to— 10

- (a) prevent or remedy adverse effects on coastal public property;
- (b) implement or monitor compliance with national norms and standards;
- (c) give effect to the national coastal management programme; or
- (d) establish set-back lines to implement or monitor compliance with provincial norms and standards. 15

(2) If the MEC does not comply with a request under subsection (1) the Minister may exercise any powers given to the MEC by this Act in order to take any measures referred to in the request, including the power—

- (a) to issue coastal protection or coastal access notices and repair and removal notices delegated to the MEC in terms of sections 59 and 60, respectively; 20
- (b) to take measures and to recover costs in terms of section 61; and
- (c) to allow temporary occupation of land within the coastal zone and to take other measures in terms of section 67.

(3) The Minister may not take any measures under subsection (2) without first consulting with the MEC and giving the MEC a reasonable opportunity to make representations. 25

Delegation by MECs

91. (1) An MEC may delegate any power or duty assigned or delegated to him or her in terms of this Act to—

- (a) the head of the provincial lead agency; or 30
- (b) any other organ of state, a statutory functionary, a traditional council or a management authority of a special management area, by agreement.

(2) A delegation in terms of subsection (1) —

- (a) is subject to any limitations, conditions and directions that the MEC may impose; 35
- (b) must be in writing;
- (c) may include the power to subdelegate; and
- (d) does not divest the MEC of the responsibility concerning the exercise of the power or the performance of the duty.

(3) The MEC may confirm, vary or revoke any decision taken as a consequence of a delegation or subdelegation in terms of this section. 40

(4) The MEC—

- (a) may not delegate a power or duty vested in the MEC—
 - (i) to make regulations; or
 - (ii) to publish notices in the *Gazette*; or 45
 - (iii) to appoint the members of the Provincial Coastal Committee contemplated in section 39; and
- (b) may withdraw any delegation by notice in writing.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (a) akanakwabela mntu ngegunya okanye umsebenzi onikwe uMphathiswa—
 (i) ukuba enze imimiselo;
 (ii) ukuba apapashe izaziso kwi*Phephandaba loMbuso*; okanye
 (iii) ukuba onyule amalungu eKomiti yamaNxweme yeSizwe; okanye
 (b) angarhoxisa ngesaziso esibhaliweyo naluphi na ulwabiwo magunya olwenziwe ngokwemimiselo yegatya lalo Mthetho okanye yomthetho obhangiswe ngulo Mthetho. 5

Uqinisekiso losetyenziso olwenziwa nguMphathiswa

90. (1) UMphathiswa angabhalela uMphathiswa wePhondo amcele ukuba makathathe amanyathelo acacisiweyo ukuba unesizathu esimenza ambone uMphathiswa wePhondo njengongathathi manyathelo anelisayo uku— 10
 (a) nqanda okanye ukulungisa iziphumo ezibi kummandla wonxweme kawonke-wonke;
 (b) phumeza okanye ukubeka esweni ukuthotyelwa kwezithethe nemigangatho yesizwe; okanye 15
 (c) ukwenza ukuba inkqubo yolawulo lwamanxweme esizwe isebenze; okanye
 (d) ukuseka imigca yokubuyisela umva clunxwemeni ukuphumeza okanye ukubeka esweni ukuthotyelwa kwezithethe nemigangatho yephondo.
 (2) Ukuba ngaba uMphathiswa wePhondo akasithobeli isicelo esiphantsi kwesolotywana (1) uMphathiswa angasebenzisa nawaphi na amagunya anikwe uMphathiswa wePhondo ngulo Mthetho khona ukuze athathe nawaphi na amanyathelo ekubhekiswe kuwo kwisicelo, kuquka negunya — 20
 (a) lokukhupha izaziso zokhuselo lwamanxweme nezofikelelo kumanxweme nezaziso zokulungisa nokushenxisa elabelwe uMphathiswa wePhondo ngokwemimiselo yamasolotyana 59 & 60 ngokulandelelanayo; okanye 25
 (b) lokuthatha amanyathelo okubuyisa iindleko ngokwemimiselo yecandelo 61; kunye
 (c) nelokuvumela ukungxungxa kumhlaba okummandla wonxweme nokuthabatha amanye amanyathelo ngokwemimiselo yesolotyana 67.
 (3) UMphathiswa unokungathabathi manyathelo phantsi kwesolotyana (2) engaqalanga wabonisana noMphathiswa wePhondo aze anike uMphathiswa wePhondo ixesha elaneleyo lokwandlala izimvo zakhe. 30

Ukwabelwa ngamagunya ngabaPhathiswa bamaPhondo

91. (1) UMphathiswa wePhondo angabelana nangaliphi na igunya okanye umsebenzi onikwe okanye owabelwe yena ngokwemimiselo yalo Mthetho esabela— 35
 (a) intloko ye-arhente ekhokelayo yephondo; okanye
 (b) nawuphi na omnye umbutho waseburhulumenteni, okanye igosa elimiselwe ngokomthetho, okanye ibhunga lemveli okanye ugunyaziwe wolawulo lwendawo yolawulo olulodwa, ngokwesivumelwano.
 (2) Ulwabiwo magunya ngokwemimiselo yesolotyana (1)— 40
 (a) luxhomekeke kuyo nayiphi na imida, iimeko nemiyalelo enokubekwa nguMphathiswa wePhondo;
 (b) kufuneka lubhalwe phantsi;
 (c) lungaquka negunya lokwabela ongezantsi; kwaye
 (d) akohluthi xanduva loMphathiswa wePhondo ngokubhekiselele ekusetyenzisweni kwegunya okanye ukwenza umsebenzi. 45
 (3) UMphathiswa wePhondo angaqinisekisa, atshintshe okanye arhoxise nasiphi na isigqibo esenziweyo kusetyenziswa igunya alinikwe ngokwabelwa igunya okanye ngokwabela okungezantsi kuye ngokwemimiselo yeli solotyana
 (4) UMphathiswa wePhondo— 50
 (a) akanakwabela mntu ngagunya okanye umsebenzi onikwe uMphathiswa wePhondo—
 (i) ukuba enze imimiselo; okanye
 (ii) ukuba apapashe izaziso kwi*Phephandaba loMbuso*; okanye
 (iii) ukuba onyule amalungu eKomiti yamaNxweme yePhondo ngokucamngcwe kwisolotyana 39; okanye 55
 (b) angarhoxisa naluphi ulwabiwo gunya ngesaziso esibhaliweyo.

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Part 4

General matters

Urgent action by Minister

- 92.** (1) The Minister may issue a verbal directive to any responsible person to stay an activity if such activity poses— 5
- (a) an immediate risk of serious danger to the public or property; or
 - (b) an immediate risk of serious damage, or potentially significant detriment, to the environment.
- (2) Subject to subsection (3), a verbal directive contemplated in subsection (1) must be confirmed in writing at the earliest opportunity, which must be within seven days. 10
- (3) When issuing a verbal directive contemplated in subsection (1), the provisions of section 59(1), (3) and (4) or 60(1), (3) and (4) apply with the necessary changes.

Information and reporting on coastal matters

- 93.** (1) The Minister must progressively, and within the available resources of the Department, make sufficient information available and accessible to the public concerning the protection and management of the coastal zone to enable the public to make an informed decision of the extent to which the State is fulfilling its duty in terms of section 3. 15
- (2) The MEC must—
- (a) prepare a report on the state of the coastal environment in the province every four years, which must contain any information prescribed by the Minister; 20
 - (b) update the report once applicable information pertaining to the coastal environment under the jurisdiction of the MEC becomes available; and
 - (c) submit the report and every update to the Minister.
- (3) The Minister must prepare and regularly update a national report on the state of the coastal environment based on provincial reports submitted to the Minister in terms of subsection (2). 25

Co-ordination of actions between provinces and municipalities

- 94.** The MEC must—
- (a) liaise with coastal municipalities in the province to co-ordinate actions taken in terms of this Act by provincial organs of state in the province with actions taken by municipalities; and 30
 - (b) monitor compliance by such municipalities with this Act.

CHAPTER 12

MISCELLANEOUS MATTERS 35

Part 1

Transitional provisions

Existing leases on, or rights to, coastal public property

- 95.** (1) Subject to subsection (3), this Act does not affect the continuation of—
- (a) a lawful lease on coastal public property, including a port or harbour, that existed when this Act took effect; or 40

Indima ye- 4:**Imibandela jikelele****Amanyathelo angxamisekileyo oMphathiswa**

92. (1) UMphathiswa angakhupha nawuphi na umyalelo wamazwi ongxamisekileyo kuye nabani na semagunyeni ukunqanda umsebenzi ukuba ngaba umsebenzi lowo udala— 5

(a) ungcipheko olukhawulezileyo lengozi emandla kuluntu okanye kwimpahla/ isakhiwo; okanye

(b) ungcipheko olukhawulezileyo lomonakalo omandla, okanye nokubakho okunentsingiselo, yomonakalo kokusingqongileyo. 10

(2) Ngokuxhomekeke kwisolotyana (3), umyalelo wamazwi ocamngcwe kwisolotyana (1) kufuneka ungqinwe ngokubhalwe phantsi ngelona xesha likhawulezileyo, ukutsho oko zingaphelanga iintsuku ezisixhenxe.

(3) Xa kukhutshwa umyalelo wamazwi ocamngcwe kwisolotyana (1), imiqathango yesolotyana 59(1), (3) nele-(4) okanye 60(1), (3) nele-(4) iyasebenza kunye neenguqu ezifunekayo. 15

Ulwazi nokunika ingxelo ngemibandela yonxweme

93. (1) UMphathiswa kufuneka njalo njalo, nangokwemithombo ekhoyo kwiSebe, enze okokuba ulwazi olwancleyo lufumanke kwaye lufikelele kuwonkewonke malunga nokhuselo nolawulo lommandla wonxweme ukwenzela ukuba uluntu luthathe izigqibo ezisekwe kulwazi ngendima cyenziwa nguRhulumente ekuzalisekiseni umsebenzi wakhe ngokwemimiselo yesolotyana 3. 20

(2) UMphathiswa wePhondo kufuneka—

(a) alungise ingxelo ngobume bokusingqongileyo enxwemeni kwiphondo qho kunyaka wesine, ekufuneka iqulathe naluphi na ulwazi olumiselwe nguMphathiswa; 25

(b) ahlaziye ingxelo kwakufumaneka ulwazi olusemxelelweni ngokubhekiselele kokusingqongileyo enxwemeni phantsi kolawulo loMphathiswa wePhondo; kwaye

(c) angenise ingxelo nohlaziyo lonke lwayo kuMphathiswa. 30

(3) UMphathiswa kufuneka alungise kwaye ahlaziye rhoqo ingxelo yesizwe ngobume bokusingqongileyo emanxwemeni, ngokusekwe kwiingxelo zamaphondo ezingeniswe kuMphathiswa ngokwemimiselo yesolotyana (2).

Ulungelelaniso lwamanyathelo phakathi kwamphondo noomasipala

94. UMphathiswa wePhondo kufuneka— 35

(a) aqhagamshelane noomasipala bonxweme kwiphondo ukulungelelanisa amanyathelo athatyathiweyo ngokwemimiselo yalo Mthetho yimibutho yaseburhulumenteni yephondo ephondweni kunye namanyathelo athatyathwe ngoomasipala; kwaye

(b) abeke esweni ukuthotyelwa kwalo Mthetho ngabo masipala. 40

ISAHLUKO 12**IMIBANDELA NGEMIBANDELA****Indima yo-1:****Amalungiselelo exesha eliphakathi**

Uqeshiso olukhoyo, okanye ilungelo, kummandla wonxweme kawonkewonke 45

95. (1) Ngokuxhomekeka kwisolotyana (3), lo Mthetho awuchaphazeli ukuqhubeka—

(a) kokuqeshisa okusemthethweni kumhlaba okanye isakhiwo nomhlaba waso owenza inxalenye yommandla wonxweme kawonkewonke, kuquka nezibuko elalikhho ngexesha lo Mthetho uqalisa ukusebenza; okanye 50

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (b) a vested right to use or exploit any specific coastal resource on or in coastal public property, including a right to prospect for or mine minerals, or to explore for or exploit petroleum resources that existed when this Act took effect.
- (2) The holder of a lease or right referred to in subsection (1) must within 24 months of the commencement of this Act— 5
- (a) notify the Minister, in writing, of the existence of that lease or right; and
- (b) provide the Minister with a copy of any documents evidencing that lease or right.
- (3) A person may undertake any activity authorised by a lease or right referred to in subsection (1) without obtaining a coastal lease or a coastal concession in terms of Chapter 7 for a maximum period of — 10
- (a) 48 months after the commencement of this Act, if the holder of that lease or right complies with subsection (2); or
- (b) 24 months after the commencement of this Act, if the holder of that lease or right does not comply with subsection (2). 15
- (4) After the end of the period referred to in subsection (3), no person may continue with or carry out an activity that was permitted under that lease or right except in terms of a coastal lease or a coastal concession awarded to that person in terms of Chapter 7.
- (5) An application by a person contemplated in subsection (4) for a coastal lease or coastal concession— 20
- (a) must—
- (i) be considered taking into account the existing lease or right and any losses or hardships the applicant and other persons may suffer; and
- (ii) be decided within six months from the date the application was lodged; 25
- (b) may be refused if—
- (i) the activity applied for would have or is likely to have serious adverse effects on the coastal environment; or
- (ii) the Minister has reason to believe that granting the application would be inconsistent with the objects of the Act or would prejudice the attainment of a coastal management objective. 30

Unlawful structures on coastal public property

- 96.** (1) Subject to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), and subsection (4), a person who, before this Act took effect, had unlawfully constructed a building or other structure on coastal public property or who, when this Act took effect, occupied a building or other structure unlawfully built on coastal public property must, within 12 months of the commencement of this Act, either— 35
- (a) apply for a coastal lease in terms of Chapter 7; or
- (b) demolish the building or structure and as far as reasonably possible, restore the site to its condition before the building or other structure was built. 40
- (2) If a person referred to in subsection (1) applies for a coastal lease in accordance with subsection (1) and the application is refused by the Minister, that person must demolish the building or structure and, within a reasonable period, as determined by the Minister when refusing the application, as far as reasonably possible restore the site to its condition before the building or other structure was built. 45
- (3) If a person who in terms of subsection (2) is obliged to demolish the building or structure and to restore the site to its original condition, fails to do so within the period specified by the Minister, the Minister or the MEC may, under section 60, issue a written repair or removal notice to that person. 50

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (b) ilungelo eligunyazisiweyo lokusebenzisa okanye lokuxhaphaza nayiphi na imithombo eyodwa yamanxweme kummandla wonxweme kawonkewonke, kuquka ilungelo lokungqawa izimbiwa, ukuphicotha okanye ukusebenzisa imithombo yepetroleum eyayikho xa lo Mthetho wawuqalisa ukusebenza.
- (2) Umqeshi womhlaba okanye ilungelo ekubhekiswa kulo kwisolotyana (1) kufuneka zingaphelanga iinyanga ezingama-24 zokusungulwa kwalo Mthetho— 5
- (a) amazise uMphathiswa, ngokubhalwe phantsi, ngobukho bokuqeshiselwa umhlaba okanye belungelo; aze
- (b) anike uMphathiswa ikopi yawo nawaphi na amaxwebhu abubungqina bomhlaba awuqeshiselweyo okanye ilungelo. 10
- (3) Umntu angenza nawuphi na umsetyenzana ogunyaziswe kuqeshiso mhlaba okanye ilungelo ekubhekiswe kulo kwisolotyana (1) ngaphandle kokufumana ukuqeshiselwa umhlaba wonxwemeni okanye imvume yasenxwemeni ngokwemimiso yeSahluko 7 yexesha elibuninzi bu—
- (a) zinyanga ezingama-48 emva kokusungulwa kwalo Mthetho, ukuba ngaba umqeshi womhlaba okanye onelungelo uyalithobela isolotyana (2); okanye 15
- (b) zinyanga ezingama-24 emva kokusungulwa kwalo Mthetho, ukuba ngaba umqeshi womhlaba okanye onelungelo akalithobeli isolotyana (2).
- (4) Emva kokuphela kwexesha ekubhekiswe kulo kwisolotyana (3), akukho mntu omakaqhube umsetyenzana owawuvunywe phantsi koko kuqeshiselwa okanye kwelo lungelo ngaphandle kwemvume yosetyenziso lonxweme enikwe lo mntu ngokwemimiso yeSahluko 7. 20
- (5) Isicelo esenziwe ngumntu esicamngcwe kwisolotyana (4) soqeshiselo mhlaba elunxwemeni okanye selungelo lonxweme—
- (a) kufuneka— 25
- (i) siqwalaselwe kuthathelwa ingqalelo ukuqeshiselwa okukhoyo okanye ilungelo kwakunye naziphi na ilahleko okanye ubunzima umfaki sicelo nabanye abantu abanokubuva; kwaye
- (ii) kugqitywe ngaso zingaphelanga iinyanga ezintandathu emva kokufakwa kwesicelo; 30
- (b) singakhatywa isicelo ukuba—
- (i) umsetyenzana ofakelwe isicelo usenokuba neziphumo ezibi kakhulu kokusingqongileyo enxwemeni; okanye
- (ii) uMphathiswa unesizathu esimenza ukuba akhollelwe kwinto yokuba ukusamkela isicelo akusayi kuhambelana neenjongo zoMthetho okanye kungadlala indlala ukuphunyezwa kwenjongo yolawulo lonxweme. 35

Izakhiwo ezingekho mthethweni kummandla wonxweme kawonkewonke

96. (1) Ngokuxhomekcka kuMthetho wokuThintela ukuSuswa okungekho-Mthethweni nokuHlala eMhlabeni ngokungekhoMthethweni, 1998 uMthetho onguNom. 19 ka-1998), nakwisolotyana (4), umntu, othe phambi kokuba lo Mthetho uqalise, wamisa ngokungekho mthethweni isakhiwo okanye naluphi na uhlobo lwesakhiwo kummandla wonxweme kawonkewonke okanye othe, xa lo Mthetho uqalisile ukusebenza, wahlala kwisakhiwo okanye naluphi na uhlobo lwesakhiwo esakhiwe ngokungekho mthethweni kummandla wonxweme kawonkewonke, kufuneka zingaphelanga iinyanga ezili-12 uqalisile lo Mthetho— 40 45
- (a) afake isicelo sokuqeshiselwa umhlaba wonxweme ngokwemimiso yeSahluko 7; okanye
- (b) adilize eso sakhiwo okanye hlobo lwesakhiwo kwaye msinya kangangoko kunokwenzeka, abuyisele umhlaba kwimo yawo yesiqhelo ube njengoko wawunjalo phambi kokumiswa kweso sakhiwo okanye hlobo lwesakhiwo. 50
- (2) Ukuba ngaba umntu ekubhekiswe kuye kwisolotyana (1) ufaka isicelo sokuqeshiselwa umhlaba enxwemeni ngokumalunga nesolotyana (1) saza isicelo eso sakhatywa nguMphathiswa, umntu lowo makasidilize eso sakhiwo okanye hlobo lwesakhiwo kuselithuba, njengoko kumisiwe nguMphathiswa xa chekhaba isicelo, aze msinya kangangoko kunokwenzeka abuyisele isiza eso sibe kwimo yaso yesiqhelo njengoko besinjalo phambi kokumiswa kwesakhiwo okanye kwehlobo lwesakhiwo. 55
- (3) Ukuba ngaba umntu ngokwemimiso yesolotyana (2) unyanzelisiwe ukuba adilize isakhiwo okanye uhlobo lwesakhiwo aze abuyisele isiza eso kwimo yaso yesiqhelo. uyasilola ukwenza oko ngethuba elixelwe nguMphathiswa, uMphathiswa okanye uMphathiswa wePhondo angakhuphela loo mntu isaziso esibhaliweyo sokulungisa okanye sokushenxisa phantsi kwesolotyana 60. 60

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

- (4) This section does not affect—
- (a) any legal proceedings that commenced prior to the commencement of this Act to enforce any prohibition or restriction on construction or other activities in terms of any other law;
 - (b) any legal proceedings instituted after the commencement of this Act to enforce any notice served prior to the commencement of this section that required the addressee to vacate or demolish any building or structure that was constructed unlawfully; or
 - (c) any rights a person may have in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998).

Existing lawful activities in coastal zone

97. (1) For a period of 24 months after the commencement of this Act, any person who, when this Act commenced, was lawfully engaged in—

- (a) carrying out, in the coastal zone, an activity requiring an environmental authorisation;
 - (b) abstracting water from coastal waters,
- must be regarded to be the holder of an environmental authorisation that authorises that activity.

(2) Any person referred to in subsection (1) who within 24 months of the commencement of this Act applies for an environmental authorisation that will authorise the continuation of the activity referred to in subsection (1), shall continue to be regarded as the holder of the authorisation until the competent authority decides whether to grant or refuse the application.

- (3) This section does not affect—
- (a) the powers of an issuing authority under section 68 to amend, revoke, suspend or cancel an authorisation; or
 - (b) any obligation which a person referred to in subsection (1) may have under section 96(2).

Repeal of legislation

98. The laws referred to in Schedule 1 are hereby repealed to the extent indicated in the third column of that Schedule.

Savings

99. (1) Subject to section 6 any regulation made in terms of a provision repealed under section 98 remains valid to the extent that it is consistent with this Act and shall be regarded as having been made in terms of this Act.

(2) Anything else done in terms of legislation repealed in terms of section 98 which can or must be done in terms of this Act must be regarded as having been done in terms of this Act.

Part 2

General

Limitation of liability

100. Neither the State nor any other person is liable for any damage or loss caused by—

- (a) the exercise of any power or the performance of any duty in terms of this Act; or
- (b) the failure to exercise any power or perform any duty in terms of this Act, unless the exercise of or failure to exercise the power, or performance or failure to perform the duty, was unlawful, negligent or in bad faith.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

- (4) Eli soloty alichaphazeli—
- (a) naziphi na iinkqubo zasemthethweni eziqaliswe phambi kokusungulwa kwalo Mthetho ukunyanzelisa nakuphi na ukwalela okanye ukuthintela ukwakha okanye eminye imisetyenzana ngokwemimiselo yawo nawuphi na omnye umthetho; okanye 5
- (b) naziphi na iinkqubo zasemthethweni eziqaliswe emva kokusungulwa kwalo Mthetho ukunyanzelisa nasiphi na isaziso ebesikhutshwe phambi kokuqalisa kweli soloty ebesifuna lowo usithunyelelweyo ukuba aphume okanye asidilize isakhiwo okanye uhlobo lwesakhiwo esasakhiwe ngokungekho mthethweni; okanye 10
- (c) nawuphi na amalungelo anokuthi umntu abenawo ngokoMthetho wokuThintela ukuSuswa okungekhoMthethoweni nokuHlala ngokungekho-Mthethweni, 1998 (uMthetho onguNom. 19 ka-1998).

Imisetyenzana esemthethweni ekhoyo kummandla wonxweme

97. (1) Kwithuba leenyanga ezingama-24 emva kokusungulwa kwalo Mthetho, nawuphi na umntu, xa lo Mthetho wawusungulwa wayexakeke ngokusemthethweni— 15
- (a) esenza, kummandla wonxweme, umsetyenzana ofuna isigunyaziso esidibeneyo sokusingqongileyo: 20
- (b) etsala amanzi kumanzi wonxweme, kufuneka athathwe njengonesigunyaziso esimanyeneyo sokusingqongileyo esigunyazisa lo msetyenzana. 20
- (2) Nawuphi na umntu ekubhekiswa kuye kwisolotyana (1), nothe zingaphelanga iinyanga ezingama-24 zokusungulwa kwalo Mthetho wafaka isicelo sesigunyaziso esidibeneyo sokusingqongileyo esiya kumgunyazisa ukuba uqhube umsetyenzana ekubhekiswe kuwo kwisolotyana (1), uya kuqhubekeka ukuthathwa njengonesigunyaziso de ugunyaziwe onesakhono agqibe ekubeni asamkele na okanye asikhabe eso sicelo. 25
- (3) Eli soloty alichaphazeli—
- (a) amagunya kagunyaziwe ophantsi kwesolotyana 68 ukuhlomela, ukurhoxisa, ukuxhoma okanye ukucima isigunyaziso; okanye
- (b) nasiphi na isivumelwano esimbophelelayo umntu ekubhekiswe kuye kwisolotyana (1) anokuba naso phantsi kwesolotyana 96(2). 30

Ukuguzulwa komthetho

98. Imithetho ekubhekiswe kuyo kuLuhlu 1 iyabhangiswa ngokwenqanaba elixeliwe kuludwe lwesithathu lolu Luhlu 1.

Ugcino mthetho

99. (1) Ngokuxhomekeka kwisolotyana 6 nawuphi ummiselo owenziweyo ngokwemimiselo yegatya elibhangisiweyo phantsi kwesolotyana 98 uhlala ungosebenzayo kangangoko uhambelana nalo Mthetho kwaye uya kuthathwa njengowenziwe ngokwemimiselo yalo Mthetho. 40
- (2) Nantoni na enye into eyenziwe ngokwemimiselo yemithetho eguzuliweyo ngokwemimiselo yesolotyana 98 enokwenziwa okanye ekufuneka yenziwe ngokwemimiselo yalo Mthetho kufuneka ithathwe njengcycenziweyo ngokwemimiselo yalo Mthetho.

INDIMA YE-2

Jikelele

Umda woxanduva

100. (1) Nokuba nguMbuso okanye nawuphi na omnye umntu akasayi kuba naxanduva lusemthethweni lomnakalo okanye ilahleko ehangelwe—
- (a) kukusetyenzisa kwegunya okanye kokwenziwa komsebenzi ngokwemimiselo yalo Mthetho; okanye 50
- (b) kukusilela ukusebenzisa naliphi na igunya okanye ukwenza umsebenzi ngokwemimiselo yalo Mthetho, ngaphandle kokuba ukusebenzisa okanye ukusilela ukusebenzisa igunya, okanye ukusebenza okanye ukusilela

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

Short title

101. This Act is called the National Environmental Management: Integrated Coastal Management Act, 2007, and takes effect on a date or dates determined by the President by proclamation in the *Gazette*.

SCHEDULE 1

5

LAWS REPEALED

(Section 98)

Number and year of the law	Short title	Extent of repeal or amendment	
Act No. 21 of 1935	Sea-shore Act, 1935	Repeal of the whole, to the extent that it has not been assigned to provinces.	10
Act No. 73 of 1980	Dumping at Sea Control Act, 1980	Repeal of the whole	

SCHEDULE 2

15

(Section 71)

**GUIDELINES FOR THE ASSESSMENT OF WASTES OR OTHER MATERIAL
THAT MAY BE CONSIDERED FOR DUMPING AT SEA
("the Waste Assessment Guidelines")**

GENERAL

20

1. This Schedule sets out guidelines for reducing the necessity for dumping at sea in accordance with Schedule II to the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters adopted on 7 November 1996.

WASTE PREVENTION AUDIT

25

2. The initial stages in assessing alternatives to dumping at sea should, as appropriate, include an evaluation of—
 - (a) the types, amounts and relative hazard of wastes generated;
 - (b) details of the production process and the sources of wastes within that process; and
 - (c) the feasibility of the following waste reduction or prevention techniques:
 - (i) product reformulation;
 - (ii) clean production technologies;
 - (iii) process modification;
 - (iv) input substitution; and
 - (v) on-site, closed-loop recycling.
3. In general terms, if the required audit reveals that opportunities exist for waste prevention at its source, an applicant for a permit is expected to formulate and implement a waste prevention strategy, in collaboration with the relevant local, provincial and national agencies, which includes specific waste reduction targets

40

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

ukusebenza, bekungekhomthethweni, bekungokungakhathali okanye
bekungomoya ombi.

Isihloko esifutshane

101. Lo Mthetho ubizwa ngokuba luLawulo lokusiNgqongileyo leSizwe: uMthetho oDibeneyo woLawulo loNxweme, 2007, uqalisa ngomhla okanye ngemihla egqitywe nguMongameli ngesibhengezo kwiPhephandaba loMbuso. 5

ULUHLU 1

IMITHETHO EGUZULWEYO

(Isoloty 98)

Inombolo nonyaka womthetho	Isihloko esifutshane	Uguzulwe okanye uhlaziywe kangakanani	
uMthetho onguNom. 21 ka-1935	UMthetho wamaNxweme (Sea-shore Act, 1935)	Uguzulwe wonke kangokuba awunikezelwanga emaphondweni	10 15
uMthetho onguNom. 73 ka-1980	UMthetho wokuLawula ukuLahlela eLwandle (Dumping at Sea Control Act, 1980)	Uguzulwe wonke	20 25

ULUHLU 2

(Isoloty 71)

IZIKHOKELO ZOKUVAVANYO LOKUNGCOLA OKANYE EZINYE IZINTO EZINGABONWA NJENGEZINOKULAHLELWA ELWANDLE

(“iziKhokelo zoVavanyo lokuNgcola”) 30

JIKELELE

1. Olu Luhlu lwandlala izikhokelo zokunciphisa imfuneko yokulahlela elwandle ngokuhambelana noLuhlu II kwiNkqubo yeNgqungquthela engoThintelo loNgcoliseko lwaseLwandle ngokuLahlela ukuNgcola nezinye izinto eyamkelwa ngomhla we-7 kuNovemba 1996. 35

UPHICOTHO LOTHINTELO LOKUNGCOLA

2. Amanqanaba okuqala okuvavanya ezinye iindlela zokulahlela elwandle kufanele, njengokufanelekileyo, ziquke uphononongo—
 - (a) lweenkqubo, izixa nobungozi bokungcola okuvelisiweyo;
 - (b) lweenkcukacha zenkqubo yemveliso nemithombo yokungcola ehamba nezo nkqubo; 40
 - (c) lokusebenza kwezi ndlela zilandelayo zokunciphisa okanye zokuthintela ukungcola:
 - (i) ukuqulunqwa ngokutsha kwemveliso;
 - (ii) ubuchwepheshe bemveliso ecocekileyo; 45
 - (iii) ukuphuculwa kwenkqubo;
 - (iv) ukufaka amanye amalinge endaweni yamanye; kunye
 - (v) nokuvuselela ngokutsha kwisiza esivaliweyo.
3. Ngokwemimiselo jikelele, ukuba ngaba uphicotho olufunekayo ludiza okokuba amathuba okuthintela ukungcola phaya kwimithombo yentsusa akhona, umfaki sicelo semvume ulindeleke ukuba aqulunqe aze aphumeze isicwangciso-qhinga sothintelo lokungcola, esehenzisana nee-arhente 50

Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008

and provision for further waste prevention audits to ensure that these targets are being met. Permit issuance or renewal decisions must assure compliance with any resulting waste reduction and prevention requirements.

4. For dredged material and sewage sludge, the goal of waste management should be to identify and control the sources of contamination. This should be achieved through implementation of waste prevention strategies and requires collaboration between the relevant local, provincial and national agencies involved with the control of point and non-point sources of pollution. Until this objective is met, the problems of contaminated dredged material may be addressed by using disposal management techniques at sea or on land.

CONSIDERATION OF WASTE MANAGEMENT OPTIONS

5. Applications to dump wastes or other material must demonstrate that appropriate consideration has been given to the following hierarchy of waste management options, which implies an order of increasing environmental impact:
- (a) re-use;
 - (b) off-site recycling;
 - (c) destruction of hazardous constituents;
 - (d) treatment to reduce or remove the hazardous constituents; and
 - (e) disposal on land, into air and in water.
6. The Minister will refuse to grant a permit if it is established that appropriate opportunities exist to re-use, recycle or treat the waste without undue risks to human health or the environment or disproportionate costs. The practical availability of other means of disposal should be considered in the light of a comparative risk assessment involving both dumping at sea and the alternatives.

CHEMICAL, PHYSICAL AND BIOLOGICAL PROPERTIES

7. A detailed description and characterisation of the waste is an essential precondition for the consideration of alternatives and the basis for a decision as to whether a waste may be dumped. If a waste is so poorly characterised that a proper assessment cannot be made of its potential impacts on health and the environment, that waste may not be dumped.
- Characterisation of the wastes and their constituents must take into account—
- (a) origin, total amount, form and average composition;
 - (b) properties: physical, chemical, biochemical and biological;
 - (c) toxicity;
 - (d) persistence: physical, chemical and biological; and
 - (e) accumulation and biotransformation in biological materials or sediments.

ACTION LIST

8. In selecting substances for consideration in the Action List referred to in section 78, the Minister will give priority to toxic, persistent and bioaccumulative substances from anthropogenic sources (e.g., cadmium, mercury, organohalogens, petroleum hydrocarbons, and, whenever relevant, arsenic, lead, copper, zinc, beryllium, chromium, nickel and vanadium, organosilicon compounds, cyanides, fluorides and pesticides or their by-products other than organohalogens). An Action List can also be used as a trigger mechanism for further waste prevention considerations.

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
 UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

ezifanelekileyo zasekhaya, ezephondo nezesizwe, eziquka iinjongo ezizodwa zokunciphisa ukungcola namalungiselelo olunye uphicotho lothintelo lokungcola ukuqinisekisa ukuba ezi njongo kuyahlangatyezwana nazo. Ukukhutshwa kwemvume nokuhlaziywa kwezigqibo kufuneka kuqinisekise ukuthotyelwa kwaso nasiphi na isiphumo esingokuncitshiswa kokungcola ncmfuno zothintelo. 5

4. Xa kusiziwa kwizinto ezigutyulwayo nodaka oluyikiyiki, injongo yolawulo lokungcola kufuneka ibe kukuphawula nokulawula le mithombo yentsusa yokungcolisa. Oku kufuneka kuzuzwe ngokuphonyezwa kwezicwangciso-qhinga zothintelo lokungcola kwaye lufuna intsebenziswano phakathi kwe-arhente ezifanelekileyo zasekhaya, ezephondo nezikazwelonke ezibandakanyekayo kulawulo lweendawo eziyimithombo yentsusa nezo zingeyomithombo yokungcoliseka. Ngexesha ingekaphonyezwa le njongo, iingxaki zogutyulo olungcolileyo zingahlangatyezwa ngokusebenzisa iindlela zolawulo lokulahla ukungcola elwandle okanye emhlabeni. 10 15

UKUQWALASELWA KWEENDLELA ZOLAWULO LOKUNGCOLA

5. Okwenziwayo ekulahlweni kokungcola nezinye izinto kufuneka kubonise ukuba liye lathathelwa ingqwalasela eli nqwanqwa lilandelayo leendlela zolawulo lokungcola, oku kuquka ukwanda kwempelelo kokusingqongileyo: 20
- (a) usetyenziso ngokutsha;
 - (b) ukuvuselela ukuba isetyenzise ngokutsha ngaphandle kwesiza;
 - (c) ukutshatyalaliswa kwezinto ezinobungozi ;
 - (d) unyango lokunciphisa okanye lokususa izinto ezinohungozi ;
 - (e) kwanokulahla emhlabeni, emoyeni nasemanzini.
6. UMphathiswa uya kwala ukunikezela imvume ukuba kufunyaniswe ukuba akhona amathuba afanelekileyo okusebenzisa ngokutsha, okuvuselela usetyenziso ngokutsha nokunyangwa kokungcola ngaphandle kobungozi empilweni yabantu okanye kokusingqongileyo okanye yenze iindleko ezingangqamananga. Ubukho ohusebenzayo bezinye iindlela zokulahla kufuneka kuqwalaselwe ngokubhekiselele kuvavanyo lobungozi kuqukwa ukulahlela elwandle nezinye iindlela. 25 30

IIMPAWU ZEKHEMIKHALI, EZIBAMBEKAYO NEZENZULULWAZI NGEZINTO EZIPHILAYO NEZITYALO

7. Inkcazelo eneenkcukacha nokuchazwa kweempawu zokungcola ngumqathango ofuneka kwangaphambili ukuze kuqwalaselwe ezinye iindlela nesiseko sokwenza isigqibo sokuba ukungcola kungalahlwa na. Ukuba ngaba ukungcola iimpawu zaku azicaciswanga ngokwanclisayo nto leyo eyenza okokuba kube nzima ukwenza uvavanyo lweziphumo zaku ezinokubakho kwimpilo yabantu nakokusingqongileyo, oko kungcola akunakulahla. Ukuchazwa kweempawu zokungcola nezinto ezenziwe ngako kufuneka kuthathele ingqalelo — 35 40
- (a) intsukaphi, isixa esipheleleyo, ubume nokwenziwe ngako;
 - (b) iimpawu: ezibambekayo, ezekhemikhali, ezokuphila nezekhemikhali nezenzululwazi ngezinto eziphilayo nezityalo; 45
 - (c) ubutyhefu;
 - (d) uzingiso olunenkani: okubamhekayo, okwekhemikhali nokwenzululwazi;
 - (e) nokwanda nenguqu kwezenzululwazi kwizinto zehhayoloji okanye kwintlanga. 50

ULUHLU LOMAKWENZIWE

8. Ekukhetheni izinto emaziqwalaselwe kuLuhlu loMakwenziwe ekubhekiswe kuzo kwisoloty 73, uMphathiswa kufuneka abeke phambili izinto ezinetyhefu, ezizingileyo ngenkani nezandayo eziphilayo ezimthombo wazo wentsusa owenziwe ngumntu (umz; ikhadimiyam, imetyhuri, ii-organohalogen, iihayidrokhhahoni zepetroliyam, kwaye nalapho kufanelekileyo, eze-asenikhi, ezelothe, ezobhedu, ezentsimbi, ezebheriliyam, ezekhromiyam, ezesinyithi esiyinikheli nevadiyam, imixube yesilikhoni, amachiza eflorayini, amayeza okubulala izitshabalalisi okanye iimveliso 55

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

9. The Action List must specify an upper level and may also specify a lower level. The upper level should be set so as to avoid acute or chronic effects on human health or on sensitive marine organisms representative of the marine ecosystem. Application of an Action List will result in three possible categories of waste:
- (a) wastes which contain specified substances, or which cause biological responses, exceeding the relevant upper level shall not be dumped, unless made acceptable for dumping at sea through the use of management techniques or processes; 5
 - (b) wastes which contain specified substances, or which cause biological responses, below the relevant lower levels should be considered to be of little environmental concern in relation to dumping at sea; and 10
 - (c) wastes which contain specified substances, or which cause biological responses, below the upper level but above the lower level require more detailed assessment before their suitability for dumping at sea can be determined.

DUMP-SITE SELECTION

10. The Minister will require at least the following information before deciding whether or not to approve a site for dumping at sea: 15
- (a) the physical, chemical and biological characteristics of the water-column and the seabed;
 - (b) the location of amenities, values and other uses of the sea in the area under consideration; 20
 - (c) the assessment of the constituent fluxes associated with dumping at sea in relation to existing fluxes of substances in the marine environment;
 - (d) the economic and operational feasibility; and
 - (e) any relevant coastal management objectives.

ASSESSMENT OF POTENTIAL EFFECTS 25

11. Assessment of potential effects should lead to a concise statement of the expected consequences of the sea or land disposal options, i.e., the "Impact Hypothesis". It provides a basis for deciding whether to approve or reject the proposed disposal option and for defining environmental monitoring requirements. 30
12. The assessment for dumping at sea must integrate information on waste characteristics, conditions at the proposed dump-site or dump-sites, fluxes, and proposed disposal techniques and specify the potential effects on the environment, human health, living resources, amenities and other legitimate uses of the sea. It must define the nature, temporal and spatial scales and duration of expected impacts based on reasonably conservative assumptions. 35
13. An analysis of each disposal option must be considered in the light of a comparative assessment of the following concerns: human health risks, environmental costs, hazards, (including accidents), economics and exclusion of future uses. If this assessment reveals that adequate information is not available to determine the likely effects of the proposed disposal option then this option may not be considered further. In addition, if the interpretation of the comparative assessment shows the dumping at sea option to be less preferable, a permit for dumping will not be given. 40

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME. 2008

ezingamasolotya ezingezizo ii-organohalogen). Uluhlu loMakwenziwe lunenokusetyenziswa njengendlela yenkcukumiso kuqwalaselo oluya phambili lokuthintela ukungcola.

9. Uluhlu loMakwenziwe kufuneka luxele inqanaba eliphezulu kwaye lusenkuxela nenqanaba elisezantsi. Inqanaba eliphezulu kufuneka libekwelwe ukwenzela ukunqanda imiphumela enobungozi nengapheliyo kwimpilo yabantu okanye kwizinto eziphilayo ezibuthathaka zaselwandle. Ukusetyenziswa koLuhlu loMakwenziwe lungazala izintlu ezintathu zokungcola:
- (a) ukungcola okuqulethe izinto ezixeliweyo, okanye ezibangela ukusabela kwezinto eziphilayo, ukugqitha kwinqanaba eliphezulu elifanelekileyo akusayi kulahlwa, ngaphandle kokuba kwenziwe kwamkeleka njengokunokulahlwa elwandle ngokusetyenziswa kweendlela zobuchule okanye iinkqubo zolawulo; 10
- (b) ukungcola okuqulethe izinto ezixeliweyo, okanye ezibangela ukusabela kwezinto eziphilayo, ezingaphantsi kwamanqanaba asezantsi afanelekileyo kufuneka athathwe njengangaxhalabisiyo kokusingqongileyo ngokunxulumene nokulahlwa elwandle ; 15
- (c) kwanokungcola okuqulethe izinto ezixeliweyo, okanye ezibangela ukusabela kwezinto eziphilayo, ngaphantsi kwenqanaba eliphezulu kodwa ngaphezulu kwenqanaba elisezantsi kufuna uvavanyo oluneenkcukacha ezithe chatha phambi kokuba ukufaneleka kokulahlwa kwako elwandle kube nokumiselwa. 20

UKUKHETHWA KWESIZA SOKULAHLELA

10. UMphathiswa kufuneka afune ebuncinaneni olu lwazi lulandelayo phambi kokwenza isigqibo sokuvuma okanye sokungavumi ukuba isiza sibe yindawo yokulahlwa elwandle: 25
- (a) iimpawu ezibambekayo, ezekhemikhali neezeempawu zenzululwazi zemisele yamanzi nezentsele yolwandle;
- (b) iindawo ezikuyo iindawo eziluncedo, izithethe nolunye usetyenziso lolwandle kwindawo ephantsi kwengqwalaselo; 30
- (c) uvavanyo lokutshintsha kwezinto ezinxulunyaniswa nokulahlwa elwandle ngokunxulumene nokutshintsha kwezinto kokusingqongileyo elwandle;
- (d) ukufumaneka kwezoqoqosho nokusebenza; kunye 35
- (e) naziphi na iinjongo ezifanelekileyo zolawulo lwamanxweme.

UVAVANYO LWEZIPHUMO EZINOKUBAKHO

11. Uvavanyo lweziphumo ezinokubakho kufuneka zikhokelele kwinkcazelo emfutshane yeziphumo ezilindelekileyo zeendlela ezinokukhethwa zokulahlwa elwandle okanye emhlabeni, oko kutsho, "Incinga engekakinisekiswa yeSiphumo". Olu vavanyo lunika isiseko sokwenza isigqibo sokwamkela okanye sokukhaba indlela ekhethiweyo yokuhlala kwanokunika inkcazo ngeemfuno zokusingqongileyo zokubeka esweni. 40
12. Uvavanyo lokulahlwa elwandle kufuneka ludibanise ulwazi ngeempawu zokungcola, imiqathango kwisiza okanye iza zokulahlwa, kunye nobuchwepheshe obucetywayo bokulahlwa, kwaye luxele neziphumo ezinokubakho kokusingqongileyo, kwimpilo yabantu, kwizinto eziphilayo, kwindawo zolonwabo nakusetyenziso olusemthethweni lolwandle. Kufuneka luchaze ubume, izikali zexeshana nezasemoyeni nexesha leziphumo ezilindelekileyo ezisekwe kuqikelelo lolondolozo oluvakalayo. 50
13. Uhlalutyo lwendlela nganye yokulahlwa enokukhethwa kufuneka iqwalaselwe ngokubhekiselele kuvavanyo lothelekiso lwezi zinto zixhalabisayo zilandelayo: ubungozi kwimpilo yabantu, iindleko zokusingqongileyo, iingozi(kuquka nengozi eyenzeke ngempazamo), ezoqoqosho nokubekwa bucala kosetyenziso lwexesha elizayo. Ukuba ngaba olu vavanyo lothelekiso ludiza okokuba ulwazi olwaneleyo alukho ukumisela iziphumo ezinokubakho zendlela yokulahlwa ecetywayo ngoko ke le ndlela akunakuqhutyelwa phambili ukuqwalaselwa kwayo. Ukongeza, ukuba ngaba ukucaciswa kovavanyo lothelekiso kubonisa ukuba indlela yokulahlwa elwandle ayisiyiyo ekhethwayo, imvume yokulahlwa isenokungakhutshwa. 60

**Act No. 24, 2008 NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT ACT, 2008**

14. Each assessment must conclude with a statement supporting a decision to issue or refuse a permit for dumping at sea.

MONITORING

15. Monitoring is used to verify that permit conditions are met—compliance monitoring—and that the assumptions made during the permit review and site selection process were correct and sufficient to protect the environment and human health—field monitoring. It is essential that such monitoring programmes have clearly defined objectives. 5

PERMIT AND PERMIT CONDITIONS

16. A decision to issue a permit will only be made if all impact evaluations are completed and the monitoring requirements are determined. The conditions of the permit must ensure, as far as practicable, that adverse effects are minimised and the benefits maximised. A dumping permit issued must contain data and information specifying— 10
- (a) the types and sources of materials to be dumped; 15
 - (b) the location of the dump-site(s);
 - (c) the method of dumping at sea; and
 - (d) monitoring and reporting requirements.
17. The Minister will review permits for dumping at sea at regular intervals, taking into account the results of monitoring and the objectives of monitoring programmes. Review of monitoring results will indicate whether field programmes need to be continued, revised or terminated and will contribute to informed decisions regarding the continuance, modification or revocation of permits. This provides an important feedback mechanism for the protection of human health and the marine environment. 20 25

LULAWULO LOKUSINGQONGILEYO LWESIZWE: Act No. 24, 2008
UMTHETHO ODIBENEYO WOLAWULO LONXWEME, 2008

14. Uvavanyo ngalunye maluvale ngenkcazelo exhasa isigqibo sokukhutshwa okanye sokwaliwa kwemvume yokulahlela elwandle.

UKUBEKA ESWENI

15. Ukubeka esweni kusetyenziselwa ukuqinisekisa ukuba imiqathango yemvume kuyahlangatyezwana nayo- ukuthobela ukubeka esweni- nento 5
yokuba uqikelelo olwenziwe ngexesha lophononongo lwemvume nenkqubo yokukhethwa kwesiza beluchanekile kwaye lwanele ukukhusela okusingqongileyo nempilo yabantu- ukubekwa esweni kwibala. Kubalulekile ukuba iinkqubo zokubeka esweni ezinjalo zibe neenjongo ezichazwe ngokucacileyo. 10

IMVUME NEMIQATHANGO YEMVUME

16. Isigqibo sokukhupha imvume singenziwa kuphela ukuba ngaba zonke iziphumo zophononongo zigqityiwe kwaye iimfuno zokubeka esweni zimisiwe. Imiqathango yemvume kufuneka iqinisekise, kangangoko kunokwenzeka, ukuba iziphumo ezibi zicuthekile ukuze zona iinzuzo zande. 15
Imvume yokulahla ekhutshiweyo kufuneka iqulathe iinkcukacha nolwazi oluchaza—
(a) iintlobo nemithombo yentsusa yezinto ezilahlwayo ;
(b) iindawo ezikuyo iziza zokulahla;
(c) umgaqo wokulahla elwandle; kunye 20
(d) neemfuno zokubeka esweni nezokunika ingxelo.
17. Umphathiswa uza kuphonononga imvume zokulahlela elwandle rhoqo, ethathela ingqalelo iziphumo zokubeka esweni neenjongo zeenkqubo zokubeka esweni. Uphononongo lweziphumo zokubeka esweni ziya kubonisa ukuba iinkqubo zasemabaleni kusafuneka ziqhutywe, zihlaziye okanye 25
zipheliswe na kwaye ziya kuba negalelo kwizigqibo ezisekwe phezu kolwazi ngokubhekiselele ekuqhutyweni, ukulungiswa okanye ukutshitshiswa kwemvume. Oku kunika indlela ebalulekileyo yokunika ingxelo ebuyayo ngokhuselo lwempilo yabantu nokusingqongileyo elwandle.