

# A SUMMARY GUIDE TO SOUTH AFRICA'S INTEGRATED COASTAL MANAGEMENT ACT



**environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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***Department of Environmental Affairs***

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*On the cover: Cape Hangklip, Western Cape, South Africa*

*(All photographs courtesy of the Sub-Directorate: Coastal Planning and  
Environmental Protection, Department of Environmental Affairs)*

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## **INTRODUCTION**

South Africa's coastline can be regarded as a limited or finite resource in the context of the needs of its people. This can be illustrated by dividing its length of approximately 3000 km by the population of the country, which is approximately 50 million. If every person in South Africa was to walk down to the beach they would only have a mere 6 cm of space to occupy!!



**Photograph 1 View of Noordhoek from Chapman's Peak: Cape Town, South Africa**

Although a finite resource, South Africa's coast has great value and importance. In the past, the value of the coast and its ecosystems as a cornerstone for development was not sufficiently acknowledged in decision-making in South Africa. The value of the direct benefits obtained from coastal "goods and services" was estimated in 1998 to be about R168 billion annually, which was equivalent to about 35% of our annual Gross Domestic Product. Much of the wealth locked up in our coast continues to be wasted due to environmentally insensitive development and activities. Economic and social opportunities

for wealth creation and equity are being missed and coastal ecosystems are being degraded.

The coast is a **unique part of the environment**. It is the meeting place of the land and sea – a limited spatial area that supports diverse ecosystems and many human activities. The coast is a distinctive system in which a range of considerations—biophysical, economic, social and institutional – interconnect, in a manner which requires a dedicated and **integrated management approach**.

The **Integrated Coastal Management Act (Act No. 24 of 2008) (ICM Act)** has been informed by the national policy embodied in the White Paper for Sustainable Coastal Development in South Africa, adopted by cabinet in 2000. The White Paper was developed proactively and in line with international calls to ensure optimal utilization of our coast, while at the same time preserving ecosystems and not putting people and property at risk.



**Photograph 2 One of the aims of the ICM Act is to contest developments that are poorly planned and/or pose an adverse threat to the coastal environment, in the interest of all users of South Africa's coast**

The shared vision of the White Paper reflected agreement by coastal stakeholders that the coast needs to be managed as a system in order to make optimal use of the opportunities and benefits it provides. Historically, this system – orientated approach failed to materialize and various sectors of government adopted a management approach focusing on their specific sectors such as land-use planning, agriculture, water affairs, nature conservation and others.

The benefits derived from our coast range from sustainable development opportunities to the preservation of ecosystems providing goods and services such as tourism and seafood. The **ICM Act** is a major step forward in managing our coast and the first law of its kind in South Africa that promotes co-ordinated and integrated management and sustainable use of our country's coastal resources. It represents a **fundamental shift in thinking** towards the shared and vested use of these resources by all South African citizens. The ICM Act also aims to provide equitable access to South Africa's rich and diverse coastline and the use of its resources in a manner that is **ecologically, socially and economically sustainable**. The **Act** is a Specific Environmental Management Act (SEMA) under the umbrella of the **National**

### ***THE OBJECTIVES OF THE ICM ACT***

The ICM Act sets out a new approach to managing the nation's coastal resources to promote social equity and make best economic use of coastal resources, whilst protecting the natural environment. The purpose of the Act is to:

**Environmental Management Act** (Act no. 107 of 1998) (NEMA).



**Photograph 3: South Africa's coast is rich in resources and is utilized in many different ways**

The purpose of this guide is to introduce you to the ICM Act's objectives and its relevance to various coastal stakeholders. This guide also explains the purpose of each chapter and provides a summary of the content of each chapter of the Act. This guide is the first in a series of informative Guidelines that are being developed to complement the ICM Act. Other Guidelines, such as the User-Friendly Guide to South Africa's Integrated Coastal Management Act, or the Guide for the Development of Coastal Management Programmes, will provide more detailed information (please visit the Department of Environmental Affairs website for further information, an updated list of titles in the series and to download electronic versions).

1. *Defining and determining the extent of the coastal zone;*
2. *Provision for the coordinated and integrated management of the coastal zone;*
3. *Preserve, protect and enhance the status of the coastal environment as the heritage of all;*
4. *Ensure there is equitable access to coastal public property; and*
5. *To give effect to certain of South Africa's international law obligations:*

### **WHICH PARTS OF THE ACT APPLY TO ME?**

One of the principles of the ICM Act is the **inclusion of all stakeholders** (public and private) in the management process. Therefore, it is imperative that everyone utilizing the coast is informed of their specific roles and responsibilities in terms of access,

rights, permissions and knowing which authorities (local, provincial or national government) are responsible. Table 1 illustrates a summary of which chapters of the ICM Act apply to which sectors of society.

**Table 1. Stakeholder matrix for the Integrated Coastal Management Act** (Taken from "A User-Friendly Guide to South Africa's Integrated Coastal Management Act")

Stakeholders		Chapter of the ICM Act											
	Competency or sector	1	2	3	4	5	6	7	8	9	10	11	12
National Government	Environment	•	•	•	•	•	•	•	•	•	•	•	•
	Water	•	•	•	•	•	•	•	•	•	•	•	•
	Tourism	•	•	•	•	•	•	•	•	•	•	•	•
	Finance	•	•					•					•
	Forestry, Fisheries and Agriculture	•	•		•	•	•				•		•
	Rural Development and Land Reform (incl. Surveyor-General and the Registrar of Deeds)	•	•	•		•	•				•		•
	Mining	•	•		•	•	•	•	•	•			
	Energy	•	•			•	•	•	•	•			
	Transport	•	•		•	•	•	•	•	•			
	Public Works	•	•			•	•	•	•	•			
	Police Services	•	•			•	•	•	•				
	Health	•	•			•	•	•	•	•			
	Education	•	•		•	•	•	•	•	•			
Provincial Government	Environment	•	•	•	•	•	•	•	•	•	•	•	•
	Tourism	•	•		•	•	•	•	•	•			
	Economic Development	•	•		•	•	•	•					
	Traditional Affairs	•	•		•	•	•	•					
	Disaster Management	•	•		•	•	•	•	•	•			
	Local Government	•	•	•	•	•	•	•	•	•			
	Development Planning	•	•	•	•	•	•	•	•	•			
	Works	•	•		•	•	•	•					
	Health	•	•			•	•	•	•	•			
	Education	•	•		•	•	•	•	•	•			
Local Government	Councillors	•	•		•	•	•	•	•	•		•	•
	Municipal Officials	•	•	•	•	•	•	•	•	•	•	•	•
	Traditional Authorities	•	•		•	•	•	•					•
Parastatal Organisations	ESKOM	•	•			•	•						•
	Tourism Authorities	•	•		•	•	•	•	•	•			•
	Conservation Authorities	•	•	•	•	•	•	•			•	•	•
	Water Authorities	•	•		•	•	•	•	•	•			•
	Port Authorities	•	•	•	•	•	•	•	•	•			•
Civil Society Sectors	Industry	•	•		•	•	•	•	•	•			•
	Business community including tourism	•	•		•	•	•	•	•	•			•
	NGOs/CBOs	•	•		•	•	•	•	•	•			•
	Legal Fraternity	•	•	•	•	•	•	•	•	•		•	•
	Environmental Practitioners	•	•	•	•	•	•	•	•	•		•	•
	Surveyors	•	•	•		•	•			•			•
	Scientific/Academic Community	•	•		•	•	•	•	•	•			•
	Coastal property owners/developers	•	•	•	•	•	•	•	•	•			•
	Vessel owners/operators	•	•			•	•	•	•	•			•
Coastal lease holders	•	•		•	•	•	•	•	•			•	

## CONTENTS OF THE ICM ACT

The ICM Act begins with a clear and concise description of its purpose followed by a preamble that explains the rationale or basis for promulgating the ICM Act.

### Chapter 1: Interpretation, objectives and application of act

This chapter lists and defines **important words or terms** that are used in the Act, and **sets out objectives** for the application of the Act. Furthermore, it clarifies the role of the State in relation to the coastal environment, indicates to whom and where the ICM Act applies and explains that the Act must be **read in conjunction with NEMA**. This chapter also provides detail on how to reconcile conflicts with other legislation.

## Chapter 2: The Coastal Zone

This chapter defines the **components of the coastal zone** in South Africa. It also deals with the spatial aspects, definitions and legal status of these various components.

The ICM Act focuses on regulating human activities within, or that affect the “coastal zone”. The **coastal zone** is illustrated in Figure 1 and defined (see Chapter 1) as the area comprising **coastal public property (mainly Admiralty Reserve and land below the high water mark)**, the **coastal protection zone** (an area along the inland edge of coastal public property, **coastal access land** (which the public may use to gain access to coastal public property), special management areas, and includes any aspect of the environment on, in and above them.

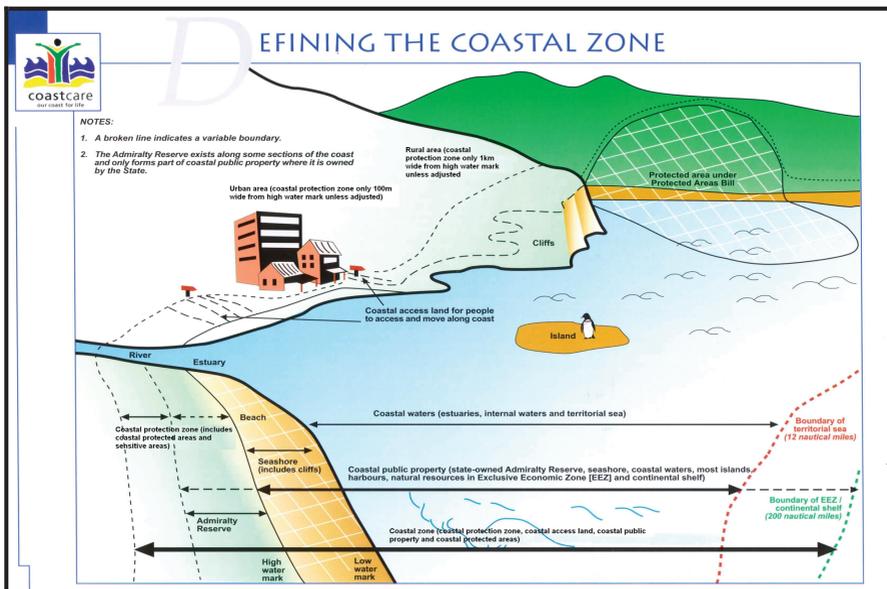


Figure 1. Defining the Coastal Zone

### *Coastal Public Property*

At the heart of the coastal zone is an area of land and water defined as **coastal public property**, which is the common property of the people of South Africa (section 7). This contrasts with the previous situation under the Sea-shore Act (Act no. 21 of 1935) where the seashore and sea were owned by the President on behalf of the people. Coastal public property is made up primarily of Admiralty Reserve above the high water mark, the “seashore” (between the low and high water marks) and “coastal waters” (see below for details).



**Photograph 4: Coastal Public Property**

### *Coastal Protection Zone*

In order to protect and effectively regulate coastal public property, it is also necessary to impose controls and restrictions on certain areas adjacent to coastal public property that form part of coastal ecosystems. The dynamic nature of the coast also requires such areas to be identified. Restricting or controlling development in these areas is essential to protect people and property from harm from natural causes such as coastline erosion and flooding, or new threats like sea level rise as a consequence of global warming. The Act addresses this by creating a **coastal protection zone** (section 16) inland of coastal public property, incorporating the areas referred to above. The Act provides that initially the

coastal protection zone would extend 100 m inland from the high-water mark in areas that have already been zoned for residential, commercial, industrial or multiple-use purposes, and 1000 m inland in other areas. However, since these dimensions are relatively arbitrary and do not take account of the very varied situations along the coast, sections 26 - 29 sets out procedures whereby the various coastal areas may be specifically demarcated on a case-by-case basis. For example, where dune fields extend further than 1000 m inland of the high water mark, the width of the coastal protection zone could be extended beyond 1000 m.



**Photograph 5: Coastal access land**

### *Coastal Access Land*

In order to secure public access to coastal public property, the Act requires municipalities to designate **coastal access land** (see section 18). While it is the intention to improve access to coastal public property, inappropriate access land may also be closed or withdrawn. Reasons for withdrawing such designation could include instances where the use of coastal access land is causing damage to the environment. The process for designating or withdrawing the designation of coastal access land is described in section 19. The responsibilities of municipalities with regard to coastal access land are described in section 20. In the past

infrastructure for access to the sea was often developed without sufficient consideration of environmental factors and stakeholder input. This resulted, for example, in car-parks being located in dynamic dune areas characterized by drift-sand movement or in areas subject to serious erosion during storm seas. The responsibilities of municipalities with regard to coastal access land now include consideration of environmental factors and coastal stakeholder concerns before access land is designated or withdrawn.

#### *Coastal Waters*

**Coastal waters** are essentially all waters influenced by tides (whether in bays, estuaries, harbours etc.), and the sea extending from the shoreline out to the limits of the territorial sea (12 nautical miles). It is the responsibility of the organ of state that is tasked with the control and management of this area to do so in the interest of the whole community in a manner that is in accordance with the country's obligations under international law.



**Photograph 6: Coastal waters include all waters influenced by tides, and the sea extending from the shoreline out to the limits of the territorial sea (12 nautical miles)**

#### *Coastal Protected Areas*

**Coastal protected areas**, or parts thereof are automatically included in the coastal protection zone in terms of Section 16 (1) (c). The purpose of section 22 is to enable the MEC (member of the Executive Council of a coastal province) who is responsible for environmental and coastal management in the province to declare that protected areas or parts thereof are not part of the coastal protection zone. The reason for this is that some protected areas extend sufficiently far inland so as to make it logical to exclude them from the scope of the Act.



**Photograph 7: The Pondoland Marine Protected Area**

#### *Special Management Areas*

Section 23 provides that **special management areas** may be declared and section 24 deals with the management of such areas. This is intended to provide a mechanism for establishing special management arrangements in a particular area in order to give effect to the recognition in the White Paper that the diversity of the coast requires different management approaches in different areas. A special management area could be declared for various coastal management purposes, and it is envisaged that these would be established mainly to encourage sustainable development in particular areas. For example, special management areas could be

declared to ensure the sustainable harvesting of shellfish for subsistence purposes in areas where such harvesting is presently depleting the shellfish resources.

#### *Coastal Set-back Lines*

Section 25 authorises MEC's to establish **coastal set-back lines**. Once such a line has been established and delineated in a zoning scheme, any person who wishes to erect or alter a structure situated seaward of the line must obtain permission before doing so. A coastal set-back line may, for example, be established to ensure that the shadows from high buildings do not fall on the beach or in order to take into account possible effects of sea level rise.

### **Chapter 3: Boundaries of Coastal Areas**

This chapter provides procedures for **demarcating** and **adjusting** the **boundaries** of coastal public property, the coastal protection zone, special management areas and coastal access land (sections 26-29). Section 30 empowers the Minister, an MEC or a municipality to authorise any person to enter land for the purpose of determining or adjusting a coastal boundary. It also sets out the considerations which must apply in respect of such demarcations and adjustments. Interested and affected parties have an opportunity to contribute to the process of demarcating or adjusting boundaries.

Interested and affected parties have an opportunity to contribute to the process of demarcating or adjusting boundaries. The purpose of sections 31 and 32 is to provide for the formalizing in law of such determinations and adjustments through the **marking of boundaries on zoning maps** and **endorsements by the Registrar of Deeds**.

Demarcation procedures to adjust the boundary of the coastal protection zone in terms of section 28 are likely to be instituted as the area designated by the Act (either 1000 m or 100 m inland from the high water mark) is arbitrary and does not adequately take into account coastal features, issues and stakeholder input to effectively manage the coast.



**Photograph 8: Aerial photo of Lake St Lucia Estuary**

### **Chapter 4: Estuaries**

This chapter aims to facilitate the efficient and coordinated management of all estuaries by providing that they must be managed, in accordance with: (a) a **national estuarine management protocol** (see section 33) approved by the Ministers responsible for the environment and water affairs; and (b) **estuarine management plans** for individual estuaries (see section 34). The protocol will provide a national policy for estuary management and guide the development of individual estuarine management plans. Furthermore, it must be ensured that the estuarine management plans are aligned with the national estuarine management protocol and the national coastal management programme.

## Chapter 5: Institutional Arrangements

This chapter establishes a statutory framework for new institutional arrangements to ensure integrated and coordinated coastal management.

### *The National Coastal Committee*

Section 35 establishes a **National Coastal Committee** which will function at national government level. Section 36 authorizes the Minister to determine the composition of the Committee.

### *Provincial Lead Agencies*

Section 38 provides for the **designation and functions of provincial lead agencies** which will play the lead role in coastal management at provincial government level. Apart from designating coastal Lead Agencies, coastal premiers must also ensure that there is at all times a Lead Agency for coastal management in the province.

### *Provincial Coastal Committees*

Section 39 provides for the establishment of **Provincial Coastal Committees** which will be responsible for coordinating coastal management in each province. Section 40 authorizes the MEC's of each province to determine the composition of these Committees.

### *Municipal Coastal Committees*

Section 42 provides for the establishment of **Municipal Coastal Committees** which will be responsible for coordinating coastal management in coastal municipalities. The establishment of Municipal Coastal Committees is discretionary.

## *Voluntary Coastal Officers*

Section 43 authorizes the MEC's to appoint **Voluntary Coastal Officers** and define their roles and responsibilities. This provision helps facilitate a new cooperative and participatory approach to managing the coast (see Preamble of the ICM Act) by enhancing the participation of members of the public in coastal management.



**Photograph 9: CoastCare workers at sunrise**

## **Chapter 6: Coastal Management**

This chapter establishes new management and planning procedures to ensure that development is sustainable, integrated and in the interest of all user groups. It sets out the legal mechanisms for establishing a proactive planning system for coastal areas that integrates coastal concerns (including the marine dimension) into the existing provincial and municipal land-based and economic development planning procedures in a manner that is consistent with the policy goals of the White Paper.

The current land-use planning system in South Africa is a land-based system that essentially stops at the high water mark. This Chapter is designed to extend that system across the land/sea interface in order to allow for integrated coastal planning and the proactive control of

the use of coastal resources. Importantly, it will provide a mechanism for translating the results of research regarding how coastal resources should be used and the maximum use that should be made of coastal resources, into a legally enforceable system for managing the coastal zone.



**Photograph 10: Integrated coastal planning and the proactive control over how coastal resources should be used and allocated will reduce or altogether prevent loss and/or damage to property**

*The National Coastal Management Programme*

This Chapter establishes a hierarchy of **Coastal Management Programmes** (CMP's). At the top of the hierarchy is the **national CMP** which the Minister must prepare and adopt within four years of the commencement of the ICM Act (sections 44-45).

*Provincial Coastal Management Programmes*

The coastal provinces must develop their own **provincial CMP's** within four years of the commencement of the Act that are consistent with the national CMP and the National Estuarine Management Protocol (sections 46-47).

*Municipal Coastal Management Programmes*

The ICM Act also requires municipalities to develop **municipal CMP's** within four years of the Act's commencement, either as standalone documents or as part of an integrated development plan (IDP) prepared in accordance with the Municipal Systems Act (Act no. 32 of 2000) (sections 23-25).

These national, provincial and municipal CMP's must include a vision for the management of the coastal zone they cover, set coastal management objectives (CMO's) and include priorities and strategies for achieving these. The CMP's must also include performance indicators that can be used to measure progress with the achievement of CMO's.

*Co-ordination and Alignment of Plans and Coastal Management Programmes*

Section 51 **requires the alignment of certain environmental and municipal plans with CMP's** to ensure coordinated coastal management. Similarly section 52 requires **consistency between CMP's and other statutory plans, policies and protocols**. In practice this means, for example, that the Minister must ensure that there is consistency between the national coastal management programmes, other national plans and provincial coastal management programmes.

*Public Participation*

Active stakeholder involvement is seen as critical for effective coastal management. Procedures relating to consultation with affected authorities and public participation are set out in section 53. Before exercising a power which this Act requires to be exercised in accordance with section 53, the authority exercising that power must consult with other

authorities 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.



**Photograph 11: De Hoop Nature Reserve, Western Cape**

The authority exercising the power must also 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. Furthermore, the authority exercising the power must by notice in the Gazette 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. The notice must contain sufficient information to enable members of the public to submit representations or objections.

#### *Review of Coastal Management Programmes*

The powers of the Minister and the MEC's to **review** provincial and municipal CMP's respectively are set out in sections 54-55. The establishment of new management and planning procedures to ensure that development is sustainable, integrated and in the interest of all user groups. It sets out the legal mechanisms for establishing a proactive planning

system for coastal areas that integrates coastal concerns (including the marine dimension) into the existing provincial and municipal land-based and economic development planning procedures in a manner that is consistent with the policy goals of the White Paper.

#### *Coastal Planning Schemes*

Sections 56-57 give the various authorities responsible for coastal management (including marine areas) the power to establish **coastal planning schemes**. Section 56 requires land use schemes prepared under other legislation to be consistent with coastal planning schemes.

### **Chapter 7: Protection of Coastal Resources**

#### *Assessing, Avoiding and Minimizing Adverse Effects*

This chapter provides measures for protecting the coastal environment from activities that may detrimentally affect it and creates procedures for assessing and regulating such activities. Section 58 requires users of coastal public property, owners and occupiers of land, coastal managers and other responsible persons to take reasonable measures to **avoid causing adverse effects on the coastal environment** in accordance with section 28 of NEMA. Section 59 authorizes the Minister to issue written **coastal protection notices** requiring measures to be taken to protect the coastal environment. This section also authorizes the Minister to issue **coastal access notices** to ensure that no person carries out an activity that is or is likely to have an adverse affect on any South African citizen's right to gain access to and enjoy the use of coastal public property. Section 60 authorises the

Minister or MEC to issue notices for the **repair or removal of illegal, abandoned or coastal structures in a poor state of repair**. Section 61 empowers the Minister or MEC to undertake such work, if necessary, and recover the costs from the person to whom the notice was addressed.



**Photograph 12: An illegal structure in the coastal zone that has been issued with a removal notice**

#### *Regulation of the Coastal Zone*

This chapter provides measures for protecting the coastal environment from activities that may detrimentally affect it and creates procedures for assessing and regulating such activities. Section 58 requires users of coastal public property, owners and occupiers of land, coastal managers and other responsible persons to take reasonable measures to avoid causing adverse effects on the coastal environment in accordance with section 28 of the NEMA.

#### *Environmental Authorizations*

The ICM Act does not seek to introduce new environmental impact assessment procedures. Assessing the environmental impact of activities which may detrimentally affect the coastal zone will be done in terms of the general environmental impact assessment

regulations which were promulgated in terms of Chapter 5 of NEMA. Section 63 provides the factors and criteria which the competent authority must consider when issuing environmental authorisations for activities affecting the coastal zone.

Section 64 gives the Minister certain powers to grant environmental authorisations which are in the **interests of the whole community**.

#### *Coastal Leases and Concessions on Coastal Public Property*

Sections 65-66 deal with the letting of coastal public property by way of **coastal leases** and the granting of limited use rights over coastal public property by way of **coastal concessions**. The future of existing leases and concessions over coastal public property is covered in Chapter 12 (see below).

#### *General provisions*

Sections 67-68 contain **general provisions** relating to the **temporary occupation of land within the coastal zone** for specified purposes and the **amendment, suspension or cancellation of authorisations**. Such amendment, suspension or cancellation is subject to the criteria specified in section 68.

### **Chapter 8: Marine and Coastal Pollution Control**

Chapter 8 establishes integrated procedures and other requirements for regulating the disposal of effluent (polluted water) and waste (any substance disposed of in the coastal environment) into estuaries and the sea. These procedures and requirements relate to both the discharge of effluent from specific sources and the

dumping and incineration of waste. Discharges from a source refer to discharges of polluted water from a pipeline or other point source on land. The dumping of waste generally refers to the deliberate disposal into the sea of any waste or man-made structure from a vessel, aircraft or platform and includes any storage of any waste or other material on or in the seabed. However, it is important to consult Chapter 1 of the Act for the precise definition of dumping which is both detailed and concise.



**Photograph 13: Outfall pipeline in Camps Bay, South Africa**

In the past the disposal of effluent through pipelines and the dumping of waste were controlled under different pieces of legislation by different Departments. The ICM Act integrates provisions regulating both discharges and dumping and highlights the need for the review of all existing effluent pipelines within 5 years.

The ICM Act intends to regulate the **discharge of effluent into coastal waters** from any source on land

(section 69) by requiring permits to authorize such discharges. Section 70 prohibits incineration at sea and restricts dumping at sea in accordance with South Africa's obligations under international law. Section 71 provides requirements applicable to dumping permits. The ICM Act authorizes the Minister to dispense with prescribed procedure in respect of dumping in **emergencies** (section 72). For example, vessels in distress due to mechanical failure may need to urgently dump cargo overboard. The Act requires the Minister to develop a **National Action List** to screen waste and other material on the basis of their potential effect on human health and the marine environment (section 73).



**Photograph 14: An illegal sewage outfall in East London, South Africa**

## **Chapter 9: Appeals**

This chapter sets out the procedures to be followed when appealing against coastal protection or repair and removal notices or in connection with the granting or refusal of an authorization under the Act (section 74). It empowers the Minister or MEC either to consider the appeal personally or to appoint an **advisory appeal panel** to determine the appeal (section 75). The purpose of a panel is to ensure that the consideration of an appeal is informed by technical expertise where this is required. Pending the determination of an appeal, the

Minister or MEC may make an **interim order** considered necessary to achieve the purposes of the Act (section 76).

## Chapter 10: Enforcement

This chapter establishes certain **offences** (section 79), determines **penalties** in respect of offences (section 80), determines the jurisdiction of courts (section 81) and gives the Minister, an MEC or a municipality the power to institute legal proceedings or take other measures in relation to coastal public property, the coastal environment or the rights of the public (section 82). Depending on the severity of the offence, penalties range from community service, a fine of up to R5 million, imprisonment for a period of up to 10 years, or a combination of these.



**Photograph 15: The right to a clean, healthy environment is a right for all**

## Chapter 11: General Powers and Duties

### *Regulations*

This chapter sets out the regulatory powers and responsibilities of the Minister and the MEC's. Part 1 deals with the powers **of the Minister** (section 83) **and of MEC's** (section 84) **to make regulations** to promote

the Act's implementation and prescribes the consultative process that is to be followed when making regulations (section 85). The latter section also contains general provisions applicable to regulations. The sections dealt with in Parts 2 and 3 are summarized below.

### *Powers to be exercised by the Minister and MEC*

Section 87 grants the Minister the **power to exercise certain functions** normally exercised by the MEC if specific circumstances apply. Section 88 authorises the MEC to issue directives to municipalities in certain circumstances.

### *Delegations and enforcement*

Section 89 deals with delegations of powers or duties by the Minister. Section 90 authorises the Minister to exercise certain duties and powers normally exercised by the MEC under certain circumstances. Section 91 deals with the MEC's powers to delegate powers or duties assigned to the MEC.

### *General Matters*

Section 92 deals with **urgent actions by the Minister** which allows for a **verbal directive** to be given in instances where there is an immediate risk of serious damage to the health of the public or the environment. Such a verbal directive must be confirmed in writing. Section 93 deals with **Information and reporting on coastal matters**. The Minister must make certain information concerning the protection and management of the coastal zone available to the public. The responsibilities of the Minister and MEC's to prepare reports on the state of the coastal environment are also set out. Section 94 requires the **co-ordination of actions between provinces and municipalities**.

## Chapter 12: Miscellaneous Matters

### *Transitional Provisions*

This chapter deals with a variety of matters in order to facilitate a smooth transition from the previous management system to the ICM Act. These include provisions dealing with the continuation of **existing leases on, or rights to, coastal public property** (section 95), the procedures for dealing with **unlawful structures on coastal public property** (section 96), and the continuation of **existing lawful activities in the coastal protection zone** that were lawful before the commencement of the Act but that after its

commencement may only be conducted with an environmental authorisation (section 97). It also deals with other matters such as the **repeal** of other laws (section 98).

One of the benefits of the proposed Act is that it will largely replace two existing Acts completely (the Sea-shore Act, 1935, and the Control of Dumping at Sea Act, 1980).

### *General*

Although part of this chapter, Section 100 is not a transitional provision. It limits any liability arising as a result of this Act.

### OTHER TITLES IN THE SERIES MAY INCLUDE:

1. A User-Friendly Guide to South Africa's Integrated Coastal Management Act \*
2. A Compliance Monitoring and Enforcement Strategy to South Africa's Integrated Coastal Management Act\*
3. An Enforcement Manual to South Africa's Integrated Coastal Management Act\*
4. The South African Coastal Water Quality Guide series \*
5. South African Guidelines for Assessment and Management of Dredged Materials \*
6. A Guide to the Functioning of South Africa's Coastal Committees \*
7. A Guide to South Africa's Coastal Planning Schemes \*
8. A Guide to the Development of South Africa's Coastal Management Programmes\*
9. A Guide to South Africa's Demarcation and Adjustment of Coastal Boundaries and Set-back Lines \*
10. South Africa's Guidelines for State of the Coast Reporting and Coastal Standards \*

\*Please note that the titles of the guidelines mentioned above are subject to change and that notification of the release dates will be advertised in print and electronic media, also available shortly for downloading at [www.deat.gov.za](http://www.deat.gov.za)

## RECOMMENDED READINGS:

1. COUNCIL FOR THE ENVIRONMENT. 1989. *A Policy for Coastal Zone Management in the Republic of South Africa. Part 1. Principles and Objectives*. Joan Lötter Publications, Pretoria:
2. COUNCIL FOR THE ENVIRONMENT. 1991. *A Policy for Coastal Zone Management in the Republic of South Africa. Part 2. Guidelines for Coastal Land use*. Academia Publishers, Pretoria.
3. DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM. 1998. *Coastal Policy Green Paper: Towards Sustainable Coastal Development in South Africa*. Wynland Printers
4. DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM. 2000. *White Paper for Sustainable Coastal Development in South Africa*. Printed for the Government Printer by Formset Printers, Cape Town
5. DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM. 2008. *Integrated Coastal Management Act No. 24 of 2008*.
6. GLAVOVIC, B. 2000a. *Our Coast, Our Future A New Approach to Coastal Management in South Africa. Mega Digital:133pp*
7. GLAVOVIC, B. 2000b. *Building Partnerships for Sustainable Coastal Development: The South African Coastal Policy Formulation Experience: The Process, Perceptions and Lessons Learned. Mega Digital: 133 pp.*
8. GLAZEWSKI, J. 1997. *Towards a Coastal Zone Management Act for South Africa. The South African Journal of Environmental Law and Policy 4(1):1-22.*

9. SOWMAN, M. R. 1993. The status of Coastal Management in South Africa. *Coastal Management* 21:163-184.
  
10. Earth summit Agenda 21. Programme of Action for Sustainable Development. *United Nations Department of Public Information*: 294 pp.

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***The contents, titles and sections of this guide and the associated Integrated Coastal Management Act (no. 24 of 2008) are subject to change and staggered implementation of respective sections. For full details, downloads and consequent updates, please visit the Department of Environmental Affairs website: [www.deat.gov.za](http://www.deat.gov.za)***



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