



INFORMATION ALERT:

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 24 OF 2008

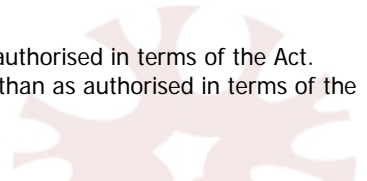
The **National Environmental Management: Integrated Coastal Management Act, No 24 of 2008** was signed by the State President on 9 February 2009 and was published in the Government Gazette on 11 February 2009. The Act will come into effect on a date still to be proclaimed by the President in the Government Gazette.

The National Environmental Management: Coastal Management Act:

- Establishes a system of integrated coastal and estuarine management in the Republic, including norms, standards and policies, with the aim of promoting the conservation of the coastal environment, maintaining the natural attributes of coastal landscapes and seascapes and ensuring that development and the use of natural resources within the coastal zone is socially and economically justifiable and ecologically sustainable
- Defines the rights and duties in relation to coastal areas and determines the responsibilities of organs of state in relation to coastal areas.
- Prohibits incineration at sea and controls dumping at sea, pollution in the coastal zone, inappropriate development of the coastal environment and other adverse effects on the coastal environment.
- Gives effect to South Africa's international obligations in relation to coastal matters.

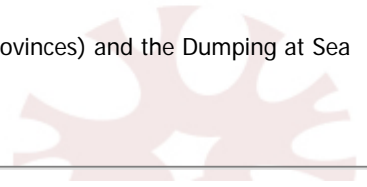
In order to achieve the above, the National Environmental Management: Coastal Management Act contains the following key features:

- It deals with the ownership of "*coastal public property*", access to "*coastal public property*" and the position of the high water mark.
- It creates various categories and types of coastal areas, with varying requirements, restrictions or other consequences relating to each, including the "*coastal protection zone*", "*coastal access land*", "*coastal waters*", "*coastal protected areas*", "*special management areas*" and "*coastal set back lines*".
- It provides for a national coastal management programme to be developed within four years of the Act coming into effect, and requires that coastal management programmes be established by relevant provinces and municipalities. It also makes provision for integrated and co-operative governance through the establishment of a national coastal committee, a provincial coastal committee and a local coastal committee.
- The Act contains various provisions regarding the protection of the coastal environment, including:
 - Dealing with a general duty to avoid causing adverse effects on the coastal environment and allowing for the issue of coastal protection notices and coastal access notices. The Act also allows for notices to be issued relating to the repair or removal of structures in the coastal zone.
 - Dealing with the requirements for environmental authorisations under the National Environmental Management Act 107 of 1998 in the context of coastal activities.
 - Regulating the award of leases and concessions on coastal public property
 - Prohibiting the discharge of land-based effluent into coastal waters other than as authorised in terms of the Act.
 - Prohibiting the incineration of waste at sea or the dumping of waste at sea, other than as authorised in terms of the Act through a system of "dumping permits".



- The Act further sets out the penalties related to various offences, and makes provision for regulations to be promulgated.
- The Act also deals with the transitional provisions regarding:
 - Existing leases and rights to coastal public property.
 - Unlawful structures on coastal public property.
 - Existing lawful activities in the coastal zone.

- The Act repeals the Sea-shore Act, No.21 of 1935 (to the extent that it has not been assigned to provinces) and the Dumping at Sea Control Act, No. 73 of 1980.



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