

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL ENVIRONMENTAL
MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT
AMENDMENT BILL**

[B 8—2013]

(As agreed to by the Portfolio Committee on Water and Environmental Affairs)

[B 8A—2013]

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AMENDMENTS PROPOSED TO

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT AMENDMENT BILL

[B 8—2013]

CLAUSE 1

1. On page 2, after line 6, to insert the following paragraph:
 - (a) by the insertion before the definition of “admiralty reserve” of the following definition:

“‘access fee’ means a fee that is charged to allow a person to enter coastal public property and includes launching from and entering a vessel launch site with a boat;”;
2. On page 3, in line 6, to omit “zones” and to substitute “zone”.
3. On page 3, in line 6, to omit “or” and to substitute “or”.
4. On page 3, in line 12, to omit “section 7A” and to substitute “sections 7B and 7C”.
5. On page 3, after line 25, to insert the following paragraph:
 - (i) by the substitution for the definition of “coastal planning scheme” of the following definition:

“‘coastal planning scheme’ means a scheme that—

 - (a) reserves defined areas within the coastal zone to be used exclusively or mainly for a specified [**purposes**] purpose; and
 - (b) prohibits or restricts any use of these areas in conflict with the terms of the scheme;”
6. On page 3, in line 35, to insert a comma after the word “waters”.
7. On page 3, in line 35, to omit “or”.
8. On page 3, in line 35, after “zone” to insert “and continental shelf”.
9. On page 3, in line 36, to omit “4 and 7” and substitute “4, 7 and 8”.
10. On page 3, line 38, to omit “subject to section 26 of this Act, [**any**]” and to substitute “[subject to section 26, any]”.
11. On page 3, in line 42, after “[**and**]” to underline comma.
12. On page 3, in line 52, to omit “[**or**] and” and to substitute “or”.
13. On page 4, in line 1, to omit “port or”.
14. On page 4, after line 23, to insert the following paragraph:
 - (u) by the insertion after the definition of “pollution” of the following definition:

“‘port’ means a port as defined in the National Ports Act, 2005 (Act No. 12 of 2005);”
15. On page 4, from line 24 to 37, to omit paragraph (s).
16. On page 4, in line 40, to omit “from” and to substitute “within”.

17. On page 4, in line 42, after “pumping” to insert “for maintenance purposes”.
18. On page 4, from line 42, to omit “, and “reclaim” has a corresponding meaning”.
19. On page 4, in line 45, after “means” to insert “[**all marine waters, including**]”.

CLAUSE 3

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 4 of Act 24 of 2008

3. Section 4 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(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)**] coastal waters; and” .

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 6 of Act 24 of 2008

4. Section 6 of the principal Act is hereby amended—

(a) by the substitution for the section heading of the following heading:

“**[Conflicts] Interpretation and conflicts with other legislation**”; and

(b) by the addition of the following subsection:

“(4) Section 7(2) of this Act shall not affect—

(a) the ownership of an immovable structure, part of an immovable structure, or port or harbour installation or infrastructure; or

(b) the control, use and management of the sea space, including turning basins and channels, within a port or harbour,

existing prior to the commencement of this Act.” .

CLAUSE 4

1. On page 5, in line 27, to omit “subsection (2)(f)” and to substitute “section 66A”.
2. On page 5, in line 29, to omit “or”.
3. On page 5, from line 30 to 31, to omit paragraph (g) and to substitute the following two paragraphs:

“(g) land reclaimed in terms of section 7C; or

(h) any natural resources on or in any coastal public property of a category mentioned in paragraphs (a) to (g)."

4. On page 5, from line 34 to 36, to omit paragraph (a) and to substitute:

“(a) any—

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| <ul style="list-style-type: none"> (i) immovable structure, or part of an immovable structure; or (ii) installation or infrastructure located in a port or harbour, whether located on land or the seabed, lawfully constructed by <u>an organ of state;</u>”. |
|--|

5. On page 5, in line 43, after semicolon to insert “or”.
6. On page 5, in line 46, to omit “; or” and to substitute a full stop.
7. On page 5, from line 47, to omit paragraph (e).

CLAUSE 5

1. On page 5, in line 49, to omit “section 7A” and to substitute “sections 7A, 7B and 7C”.
2. On page 5, after line 51, to insert the following section:

“Purpose of coastal public property

7A. (1) Coastal public property is established for the following purposes:

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| <ul style="list-style-type: none"> (a) To improve public access to the seashore; (b) to protect sensitive coastal ecosystems; (c) to secure the natural functioning of dynamic coastal processes; (d) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; or (e) to facilitate the achievement of any of the objects of this <u>Act.</u>”. |
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3. On page 6, from line 1, to omit section 7A and to substitute:

Reclamation of land for state infrastructure

7B. (1) No organ of state may reclaim land for the development of state infrastructure unless authorised by the Minister.

(2) The Minister may, on application, approve reclamation in terms of this section.

(3) An application for reclamation must be—

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| <ul style="list-style-type: none"> (a) accompanied by— <ul style="list-style-type: none"> (i) a detailed plan of how the land will be developed and utilised for the benefit of the State; (ii) an assessment of whether there is any alternative land available and why such land cannot be used; (iii) an explanation of the purpose for which the land is to be reclaimed; (iv) detailed information on the how the development will be funded; and (v) any other relevant information; (b) submitted to the Minister for pre-approval prior to any application for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act; and |
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- (c) published by notice in the *Gazette* for public comment by the Minister for a period of no less than 60 days;
- (4) If an environmental authorisation is refused, a pre-approval in terms of subsection (3)(b) becomes invalid.
- (5) If an environmental authorisation is granted, the applicant must resubmit to the Minister the application, the environmental authorisation and other documents related to the reclamation for a final decision.
- (6) A final decision made by the Minister in terms of subsection (5) must be tabled in Parliament within 60 days of the decision.
- (7) Any land reclaimed for the development of state infrastructure vests in the organ of state applying for such reclamation.
- (8) Unless authorised by the Minister, land reclaimed in terms of subsection (2) may not be utilised other than in accordance with the purpose stated in the original application and conditions of the authorisation.
- (9) The Minister may, when approving a reclamation application, make the approval subject to any conditions or title deed restrictions.
- (10) Before making a decision in terms of this section, the Minister must consult with any organ of state that may be affected by such decision.

Reclamation of land for purposes other than state infrastructure

- 7C.** (1) An application for reclamation for purposes other than the development of state infrastructure as contemplated in section 7B will only be considered in exceptional circumstances which are not contrary to the purpose of coastal public property as set out in section 7A.
- (2) An application for reclamation in terms of this section must be accompanied by—
- (a) details of how the land will be developed and its use;
 - (b) an assessment of whether there is any alternative land available and why such land cannot be used;
 - (c) information on whether the land and structures will be accessible to the public;
 - (d) information on whether the development is in the interests of the whole community;
 - (e) detailed information on how the development will be funded; and
 - (f) any other relevant information.
- (3) An application for reclamation must be submitted to the Minister for pre-approval prior to any application for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act.
- (4) The Minister must—
- (a) follow the consultation process in section 53 prior to pre-approving an application for reclamation; and
 - (b) submit a pre-approval for reclamation to Parliament for ratification.
- (5) In the event that—
- (a) Parliament fails to ratify the pre-approval, the Minister's pre-approval as envisaged in subsection (3) becomes invalid; or
 - (b) the environmental authorisation is refused, a pre-approval in terms of subsection (3) and a ratification in terms of subsection (4)(b) becomes invalid.

(6) In the event that Parliament ratifies the pre-approval, application may be made for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act.

(7) If an environmental authorisation is granted, the applicant must resubmit to the Minister the application, the environmental authorisation, the ratified pre-approval and other documents related to the reclamation for a final decision.

(8) A final decision made by the Minister in terms of subsection (7) must be tabled in Parliament within 60 days of the decision.

(9) Land reclaimed in terms of this section—
 (a) may not be sold under any circumstances; and
 (b) must be subject to a lease as prescribed by the Minister.

(10) Unless authorised by the Minister, land reclaimed in terms of this section may not be utilised other than in accordance with the purpose stated in the original application and conditions of the authorisation.

(11) The Minister may, when approving a reclamation application, make the approval subject to any conditions.”.

CLAUSE 6

1. On page 6, in line 35, to omit “6A” and to substitute “7A”.

NEW CLAUSE

1. That the following be a new Clause.

Repeal of section 10 of Act 24 of 2008

8. Section 10 of the Principal Act is hereby repealed.

CLAUSE 7

Clause rejected.

CLAUSE 8

1. On page 6, after line 48, to insert:
 - (a) by the insertion after subsection (1) of the following subsection:
 “(1A) Subject to subsections (2) and (3), no person may prevent access to coastal public property.”.
2. On page 6, in line 50, after “No” to insert “access”.
3. On page 7, in line 9, after “of]” to insert “port or”.
4. On page 7, to omit lines 28 to 31, and to substitute:

“If the high-water mark is landward of a straight line boundary of a coastal land unit when this Act took effect, or the high-water mark moves [inland] landward of [the] a straight line boundary [line] of a coastal 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 coastal land unit—”; and

5. On page 7, after line 31, to insert:
 - (d) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

“(a) loses ownership of any portion of that coastal land unit that is situated below the high-water mark to the extent that such land unit becomes coastal public property; and”.
6. On page 7, to omit lines 32 to 48, and to substitute:
 - (e) by the deletion of subsection (6).

CLAUSE 10

1. On page 7, in line 54, to omit “or any other law” and to substitute “the National Environmental Management Act or any other specific environmental management Act”.

CLAUSE 11

1. On page 8, from line 11, to omit paragraph (c).
2. On page 8, after line 15, to insert:
 - (c) by the insertion in subsection (1) after paragraph (f) of the following paragraph:

“(fA) the part of a river which is situated within a land unit referred to in paragraph (d)(i) or (e); and”

CLAUSE 13

1. On page 8, from line 28, to omit subsection (2) and to substitute:

“(2) Coastal access land [is] designated in terms of subsection (1) is automatically 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.”
2. On page 8, after line 32, to insert:
 - (b) by the substitution for subsection (4) of the following subsection:

“(4) No land within a port or harbour, defence or other strategic facility may be designated as coastal access land without the consent of the Minister responsible for that facility.”

NEW CLAUSE

1. That the following be a new Clause.

Amendment of section 22 of Act 24 of 2008

16. Section 22 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in this section, if such power relates to

- any part of an area that—
- (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.”.

CLAUSE 16

1. On page 9, after line 20, to insert:

“(1B) When establishing coastal management lines in terms of subsection (1), the MEC must consider the location of immovable property and the ownership and zonation of vacant land.”

2. On page 9, in line 24, to omit “[**local**]” and to insert “local”.
3. On page 9, in line 28, to omit “[**local**]” and to insert “local”.
4. On page 9, after line 35, to insert:

“(5) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in this section, if such power relates to any part of an area that—

- (a) is a national protected area as defined in the Protected Areas Act;
- (b) straddles a coastal boundary between two provinces; or
- (c) extends up to, or straddles, the borders of the Republic.”.

NEW CLAUSE

1. That the following be a new Clause.

Amendment of section 26 of Act 24 of 2008

18. Section 26 of the principal Act is hereby amended by the addition of the following subsection:

- “(6) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in subsection (1)(b) if such power relates to any part of an area that—
- (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.”.

CLAUSE 17

1. On page 9, in line 50, to omit “and” and to substitute “[**and**]”.
2. On page 9, after 50, to insert:

(dA) any anthropogenic influences on dynamic coastal processes; and

NEW CLAUSE

1. That the following be a new Clause.

Amendment of section 28 of Act 24 of 2008

20. Section 28 of the principal Act is hereby amended by the addition of the following subsection:

- “(4) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in subsections (2) and (3), if such power relates to any part of an area that—
- (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.”.

CLAUSE 18

Clause is rejected.

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 33 of Act 24 of 2008

21. Section 33 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) The Minister, with the concurrence of the Minister responsible for water affairs, must within four years of the commencement of this Act [**prescribe**] publish by notice in the Gazette a national estuarine management protocol.”.

Amendment of section 34 of Act 24 of 2008

22. Section 34 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1)(b) of the full stop at the end of subparagraph (ii) and the substitution of a semicolon;
- (b) by the addition in subsection (1) of the following paragraphs:
 - “(c) if applicable, ensure that relevant legislation is enacted to implement an estuarine management plan; and
 - (d) submit an annual report to the Minister on the implementation of the estuarine management plan, the legislation and any other matter which the Minister may prescribe.” ; and
- (c) by the addition of the following subsection:
 - “(3) The report referred to in subsection (1)(d) must be tabled in Parliament annually.”.

CLAUSE 19

Clause is rejected.

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 35 of Act 24 of 2008

23. Section 35 of the principal Act is hereby amended by the addition of the following subsection:

“(4) The National Coastal Committee must report to the Minister annually on the matters in subsection (3) and that report must be tabled in Parliament.”.

Amendment of section 36 of Act 24 of 2008

24. Section 36 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) The Minister must designate an official from the Department as the Chairperson of the National Coastal Committee.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) [(a)] The persons to be appointed in terms of [subsection] subsections (1) and (1A) must, by virtue of the office that they hold or their expertise, be able to assist the National Coastal Committee in fulfilling its functions.

[(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;
- (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
- (v) one or more members representing the management authorities of coastal protected areas.];”;

- (c) by the insertion after subsection (2) of the following subsections:

“(2A) The Minister must appoint permanent members on the National Coastal Committee which must include but is not limited to—

- (a) a representative from each Provincial Coastal Committee;
- (b) 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; and
- (c) one or more members representing the management authorities of coastal protected areas.

(2B) The Committee may, when required invite other persons to participate in the National Coastal Committee which may include—

- (a) a representative of a national government department which is not a permanent member;

- (b) a representative of a municipality that is affected by issues under consideration by the National Coastal Committee;
 - (c) persons with expertise in fields relevant to coastal management and coastal ecosystems; and
 - (d) any other person who may assist the National Coastal Committee in fulfilling its functions.”; and
- (d) by the deletion of subsections (4).

Amendment of section 37 of Act 24 of 2008

25. Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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;**
- (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**].”.

CLAUSE 21

Clause is rejected.

CLAUSE 22

Clause is rejected.

CLAUSE 24

1. On page 11, in line 14, after “a” to insert “port or”.

CLAUSE 25

1. On page 11, after line 26, to insert:
 - (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 - “Before exercising a power to issue a coastal protection notice under subsection (1), the Minister or MEC must—”.

CLAUSE 28

1. On page 12, in line 6, to omit “(aa)” and to substitute “(i)”.
2. On page 12, in line 9, to omit “(bb)” and to substitute “(ii)”.
3. On page 12, in line 12, to omit “(cc)” and to substitute “(iii)”.
4. On page 12, in line 15, to omit “(dd)” and to substitute “(iv)”.
5. On page 12, in line 18, to omit “(ee)” and to substitute “(v)”.

6. On page 12, in line 20, to omit “(ff)” and to substitute “(vi)”.
7. On page 12, in line 22, to omit “(gg)” and to substitute “(vii)”.

CLAUSE 30

1. On page 12, to omit line 37 to 38 and to substitute:
“**[Coastal leases and coastal concessions on] Use of coastal public property**”

CLAUSE 31

1. On page 12, in line 42, after “**concessions]** to insert “coastal”.
2. On page 13, in line 17, to omit “**may be awarded by the Minister either**” and to substitute “may, subject to section 66, be awarded by the Minister either—”.

CLAUSE 32

1. On page 13, from line 33, to omit “**[of not more than 20 years], but may be renewed once,**” and to substitute “of not more than 20 years”.

NEW CLAUSE

1. That the following be a new Clause:

Insertion of section 66A in Act 24 of 2008

37. The principal Act is hereby amended by the insertion after section 66 of the following section:

“Leases in admiralty reserves

66A. (1) Notwithstanding section 7(1)(e), a lease in an admiralty reserve, prior to the commencement of this section, must be managed by the organ of state empowered to do so in terms of the relevant local, provincial or national legislation.

(2) A lease referred to in subsection (1), must be managed as prescribed by the Minister and until so prescribed, such leases must be managed in a manner that is consistent with the purpose of coastal public property as set out in section 7A.”

CLAUSE 34

1. On page 13, after line 36, to insert:
 - (b) by the substitution for subsection (1) for the following subsection:

“(1) No person may discharge effluent that originates from a source on land into coastal waters except in terms of a general discharge 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.”;

- (c) by the substitution for subsection (3) for the following subsection:
 “(3) Any person who wishes to discharge effluent into coastal waters in circumstances that are not authorised under a general discharge authorisation referred to in subsection (2) must apply to the Department for a coastal waters discharge permit.”;
- (d) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
 “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 discharge authorisation under subsection (2) must apply to the Department for a coastal waters discharge permit—”;
- (e) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words:
 “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 discharge authorisation contemplated in subsection (2) or to grant an application for a coastal waters discharge permit, take into account all relevant factors, including—”

CLAUSE 36

1. On page 15, in line 8, to insert a comma after the word “Minister”.
2. On page 15, in line 9, to omit “two” and to substitute “[**two**] five”.
3. On page 15, from line 10, to omit “[**but**] and may [be renewed once] renew it for a further period of not more than [two] five years, whereafter a new application must be made in terms of subsection (1)” and to substitute “[**but may be renewed once for a period of not more than two years**] whereafter a new application must be made”.

CLAUSE 38

1. On page 15, in line 28, to omit “section 7A(2) or (5)” and to substitute “sections 7B and 7C”.
2. On page 15, in line 47, to omit the second “or”.
3. On page 15, after line 47, to insert:
 “(j) prevents access to coastal public property in contravention of section 13(1A); or”
4. On page 15, in line 49, to omit “;” and to substitute “; and”.

CLAUSE 39

1. On page 16, after line 26, to insert:
(6) If a person is found guilty of an offence in the High Court, the penalty limitations in subsections (1), (2) and (4) do not apply and a higher a penalty may be imposed.

CLAUSE 41

1. On page 17, in line 14, after “issued;” to insert “and”.
2. On page 17, in line 15, to omit “bid” and to substitute “[**bid**]”.

CLAUSE 42

1. On page 17, after line 56, to insert:
 - (b) by the addition of the following subsection:

“(3) The Minister, after consultation with the relevant MEC, must make regulations in terms of subsections (1)(b), (c), (d) and (e), if such regulations relate to any part of an area that—

 - (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.”.

NEW CLAUSES

1. That the following be new Clauses:

Amendment of heading to Part 2 of Act 24 of 2008

50. The the following heading be substituted for the heading of Part 2 of Chapter 11:

“Powers to be exercised by [Minister and] MEC”.

Repeal of section 87 of Act 24 of 2008

51. Section 87 of the principal Act is hereby repealed.

CLAUSE 44

1. On page 18, in line 8, to omit paragraph (a).

CLAUSE 47

1. On page 18, in line 35, to omit “stay” and to substitute “[**stay**] stop”.

CLAUSE 48

1. On page 18, in line 48, after “environment” to insert “and progress on any other national responsibilities in this Act”.

CLAUSE 50

1. On page 19, from line 23, to omit subsection (2) and to substitute:
 - “(2) If a lease under the Sea-Shore Act—
 - (a) relates to an activity that is not listed in terms of section 65(1)(a), that lease is no longer required and therefore lapses, and the activity may continue;
 - (b) relates to an activity which is prohibited by notice in terms of section 65(1)(a)(i), that activity must stop within a period of 180 days from the date of publication of such notice; or
 - (c) relates to an activity requiring a permit in terms of section 65(1)(a)(ii) application must be made for a coastal use permit in terms of section 65(3) within a period of 180 days of the publication of the notice listing such activities.”.
2. On page 19, after line 29, to insert:

“(3) If an application for a coastal use permit contemplated in subsection 2(c) is refused, that activity must stop within a period of 180 days of receipt of the refusal.”.
3. On page 19, in line 30, to omit “(2)” and to substitute “(2)(c)”.
4. On page 19, in line 32, to omit “has made” and to substitute “makes an”.
5. On page 19, in line 33, to omit “65(2)” and to substitute “65(3)(a)”.
6. On page 19, in line 33, to omit “24 months of the commencement of this section” and to substitute “180 days as contemplated in subsection (2)(c)”.

CLAUSE 51

1. On page 19, from line 37, to omit “Section 96 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections, respectively” and to substitute “The following section is hereby substituted for section 96 of the principal Act”.
2. On page 19, from line 39, to omit “Subject to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), and subsection (4), a” and to substitute “[**Subject to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), and subsection (4), a] A”.**
3. On page 19, in line 41, to omit “Act” and to substitute “[**Act**] section”.
4. On page 19, in line 42, to omit “Act” and to substitute “[**Act**] section”.
5. On page 19, from line 43, to omit “, within 12 months of the commencement of this [Act] section, either”.
6. On page 19, from line 45, to omit paragraphs (a) and (b) and to substitute:
 - “(a) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(ii), apply for a coastal [lease in terms of Chapter 7] use permit if the activity is listed in terms of section 65(1)(a)(ii); or
 - (b) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(i), 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, if the

activity is prohibited in terms of section 65(1)(a)(i); and must notify the Department with proof of such demolition and restoration.”.

7. On page 19, in line 50, to omit “subsection (1)(a)” and to substitute “[**subsection (1)**] section 65(3)(a)”.
8. On page 20, in line 3, after “specified” to insert “in subsection (1)(b) or specified”.
9. On page 20, in line 3, after “Minister” to insert “in subsection (2)”.
10. On page 20, in line 3, after the second “Minister” omit “or the MEC” and to substitute “[**or the MEC**]”.
11. On page 20, after line 4, to insert:

(3A) If appropriate, before issuing a notice as contemplated in subsection (3), the Minister must consider the effect this may have on the elderly, children, disabled persons and households headed by women, particularly in low-income households.

(4) This section does not affect—

- (a) any legal proceedings that commenced prior to the commencement of this [**Act**] section to enforce any prohibition or restriction on construction or other activities in terms of any other law; or
- (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).**]

NEW CLAUSE

1. That the following be a new Clause.

Amendment of Arrangement of Sections of Act 24 of 2008

63. The Arrangement of Sections after the Preamble of the principal Act is hereby amended—

- (a) by the substitution for item 6 of the following item:
“6. [**Conflicts**] Interpretation and conflicts with other legislation”;
- (b) by the insertion after item 7 of the following items:
“7A. Purpose of coastal public property
7B. Reclamation of land for state infrastructure
7C. Reclamation of land for purposes other than state infrastructure”;
- (c) by the deletion of item 10;
- (d) by the substitution after item 24 of the following heading:

“Part 7

Coastal [set-back] management lines”;

- (e) by the substitution for item 25 of the following item:
“25. Establishment of coastal [**set-back**] management lines”;
- (f) by the deletion of item 64;

- (g) by the substitution for the heading after item 64 of the following heading:

“Part 4

[Coastal leases and coastal concessions on] Use of coastal public property”;

- (h) by the substitution for item 65 of the following item:
 “65. Award of **[leases and concessions]** coastal use permits on coastal public property”;
- (i) by the substitution for item 66 of the following item:
 “66. Terms of coastal **[leases and coastal concessions]** use permits”;
- (j) by the insertion after item 66 of the following item:
 “66A. Leases in admiralty reserves”;
- (k) by the substitution after item 86 of the following heading:

“Part 2

Powers to be exercised by [Minister and] MEC”;

- (l) by the deletion of item 87;
- (m) by the insertion after item 94 of the following item:
 “94A. Exemptions”;
- (n) by the deletion of item 97; and
- (o) by the insertion after item 97 of the following item:
 “97A. Withdrawal of previous exclusions”.

CLAUSE 55

1. On page 20, from line 23, to omit “on a date determined by the President by proclamation” and to substitute “within six months of the date of publication in the *Gazette* as contemplated in section 81 of the Constitution of the Republic of South Africa, 1996, or such earlier date as determined by proclamation by the President”.

LONG TITLE

1. On page 2, in the tenth line of the long title, to omit “**abolish**” and to substitute “**simplify the composition and functions of** ”.