

- (c) to preserve the aesthetic values of the coastal zone; or
 - (d) for any other reason consistent with the objectives of this Act.
- (1A) An MEC may, in regulations published in the *Gazette*, prohibit or restrict the building, erection, alteration or extension of structures that are wholly or partially seaward of a coastal management line.
- (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) Before making or amending a notice referred to in subsection (1), or making the regulations referred to in subsection (1A), the MEC must—
- (a) consult with any local municipality within whose area of jurisdiction the coastal management 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 management line has been established must delineate the coastal management 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 coastal management line in relation to existing cadastral boundaries.
- (4) A coastal management line may be situated wholly or partially outside the coastal zone.
- (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.

(Section 25 substituted by section 18 of Act 36 of 2014)

CHAPTER 3 BOUNDARIES OF COASTAL AREAS

26. Determination and adjustment of coastal boundaries

Prepared by:

- (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*;
 - (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
 - (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.
- (3) The coastal boundaries referred to in subsection (1) may be determined or adjusted if-
 - (a) that coastal boundary-
 - (i) is uncertain or undefined;
 - (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 -
 - (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;

- (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.
- (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.

(Section 26(6) added by section 19 of Act 36 of 2014)

27. Determining and adjusting coastal boundary of coastal public property

When determining or adjusting the inland coastal boundary of coastal public property, the Minister must take into account—

- (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;
- (d) the potential effects of projected rises in sea-level;
- (dA) any anthropogenic influences on dynamic coastal processes; and

- (e) any other factor that may be prescribed.

(Section 27 substituted by section 20 of Act 36 of 2014)

28. Determining and adjusting coastal boundaries of coastal protection zone

- (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.
- (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-
 - (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;
 - (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;
 - (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.
- (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.

(Section 28(4) added by section 21 of Act 36 of 2014)

29. Determining and adjusting coastal boundaries of coastal access land

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;
 - (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;
 - (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;
- (e) the need to protect any coastal protected areas; and
- (f) the importance of not restricting the rights of land owners unreasonably.

30. Entry onto land

- (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 -

- (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.
- (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.
- (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.

31. Marking coastal boundaries on zoning maps

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.

32. Endorsements by Registrar of Deeds

- (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).
- (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.

- (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.

CHAPTER 4 ESTUARIES

33. National estuarine management protocol

- (1) Estuaries within the Republic must be managed in a co-ordinated and efficient manner and in accordance with a national estuarine management protocol.
- (2) The Minister, with the concurrence of the Minister responsible for water affairs, must within four years of the commencement of this Act publish by notice in the *Gazette* a national estuarine management protocol.

(Section 33(2) substituted by section 22 of Act 36 of 2014)

- (3) The national estuarine management protocol must -
- (a) determine a strategic vision and objectives for achieving effective integrated management of estuaries;
 - (b) set standards for the management of estuaries;
 - (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;
 - (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.

34. Estuarine management plan

- (1) The responsible body contemplated in section 33(3)(e) who develops an estuarine management plan must -