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South African Local Government Association

INTEGRATED COASTAL MANAGEMENT MUNICIPAL ROLES AND REQUIREMENTS

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SALGA Western Cape Working Group
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OUTLINE

1. Background/context
2. Legislative framework for coastal management
3. Legislative Mandate of Municipalities
4. The Green Economy
 - Understanding what it means
 - Policy drivers and opportunities



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PART 1

BACKGROUND/CONTEXT



The coastal zone is a highly sensitive area, where a number of ecosystems exist in a state of balance. The coast is affected not only by local conditions but also by events and conditions long distances away. Pressures from human habitation and economic development are common in the coastal areas

Integrated coastal management requires balancing a wide range of ecological, social, cultural, governance and economic considerations. Active research and monitoring programs play a key role in providing sets of management options and potential consequences.

South Africa's Coastline

- Approximately 3100 km of coastline with important economic & social opportunities, and ecological benefits
- Direct economic benefit estimated at approximately 35% of annual GDP
- Direct (socio) - economic benefits:
 - Marine fishing industry
 - Port & harbour development (trade)
 - Lifestyle, recreational and tourism economy
- Ecological benefits (additional 28% of GDP)
 - Erosion control provided by dunes & cliffs
 - Protection of built & environment from waves & wind
 - Waste assimilation, detox and recycling by wetlands, forests & grasslands

Threats to South Africa's Coastline

- Without regulation, human activity is harmful to the ecological integrity of marine and coastal environments
 - Extractive and mass tourism
 - Inappropriate fishing methods
 - Inappropriate recreational activities
 - Mismanagement of storm and waste water
 - Pollution from land-based sources & resultant decline in water quality
- Climate change poses a threat to the integrity of coastal ecosystems and the benefits that are derived (risk & impact)
 - Resultant environmental changes:
 - Changes in ocean circulation patterns
 - Sea level rise, increase in storm surges, & changes in ocean pH
 - Changes in land & sea temperatures; precipitation & runoff



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'Issues of concern for the marine environment have recently arisen or continue to pose threats: namely: increasing uncontrolled coastal development leading to habitat degradation and changing land-use patterns; and substantial increase in the amount of wastewater discharge into the marine environment.' – State of the Environment Report, 2006



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PART 2

LEGISLATIVE FRAMEWORK

Integrated coastal zone management (ICZM) or Integrated coastal management (ICM) is a process for the management of the coast using an integrated approach, regarding all aspects of the coastal zone, including geographical and political boundaries, in an attempt to achieve sustainability



Integrated Coastal Management Act (Act No. 24 of 2008)

- 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
- Includes any aspect of the environment on, in, under above such area.

Integrated Coastal Management Act #24 of 2008

- Principles:
 - National asset
 - Economic development
 - Social equity
 - Ecological integrity
 - Holism
 - Risk aversion and precaution
 - Accountability and responsibility
 - Duty of care
 - Integration and participation
 - Cooperative governance

Implementing the ICMA

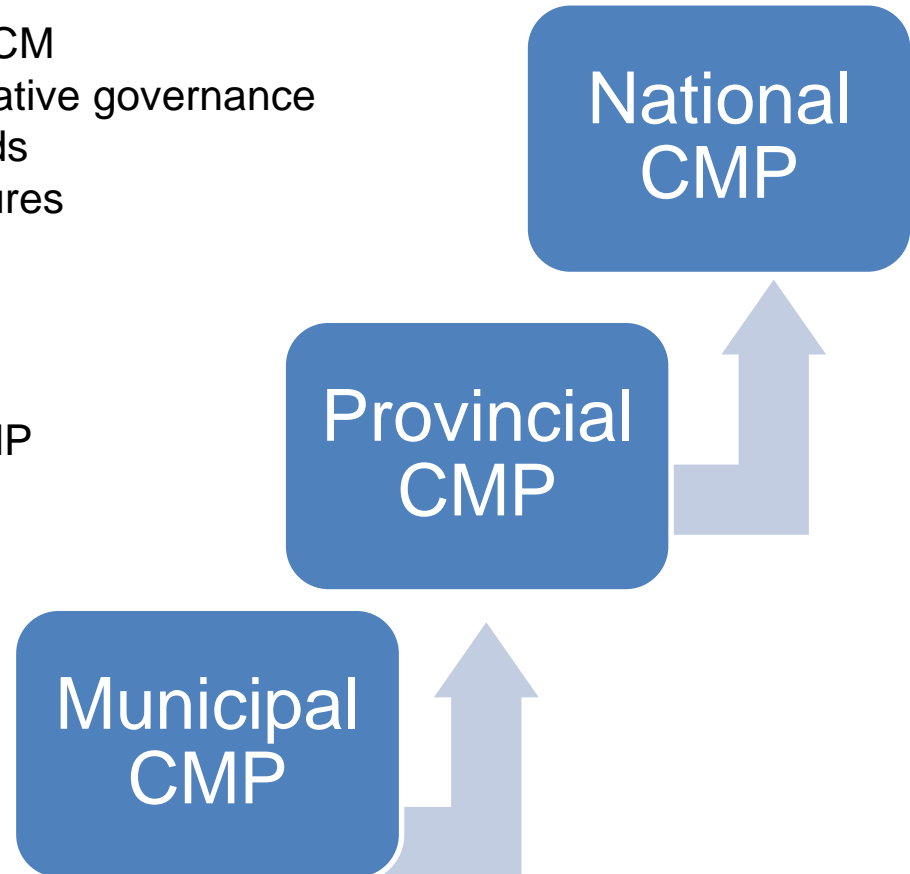
- National Coastal Management Programme
- Two fundamental tools/approaches
 - (1.) **Coastal Management Programme (CMP)** – a national, provincial, or municipal programme established in terms of Chapter 6 of NEM:ICMA, 2008
 - Developed in all 3 spheres of government, where the principal CMP must be consistent with the national one; and the municipal CMP consistent with the provincial CMP
 - (2.) **Coastal Planning Schemes** – defined in s56 as schemes that facilitate attainment of coastal management objectives

Concurrency

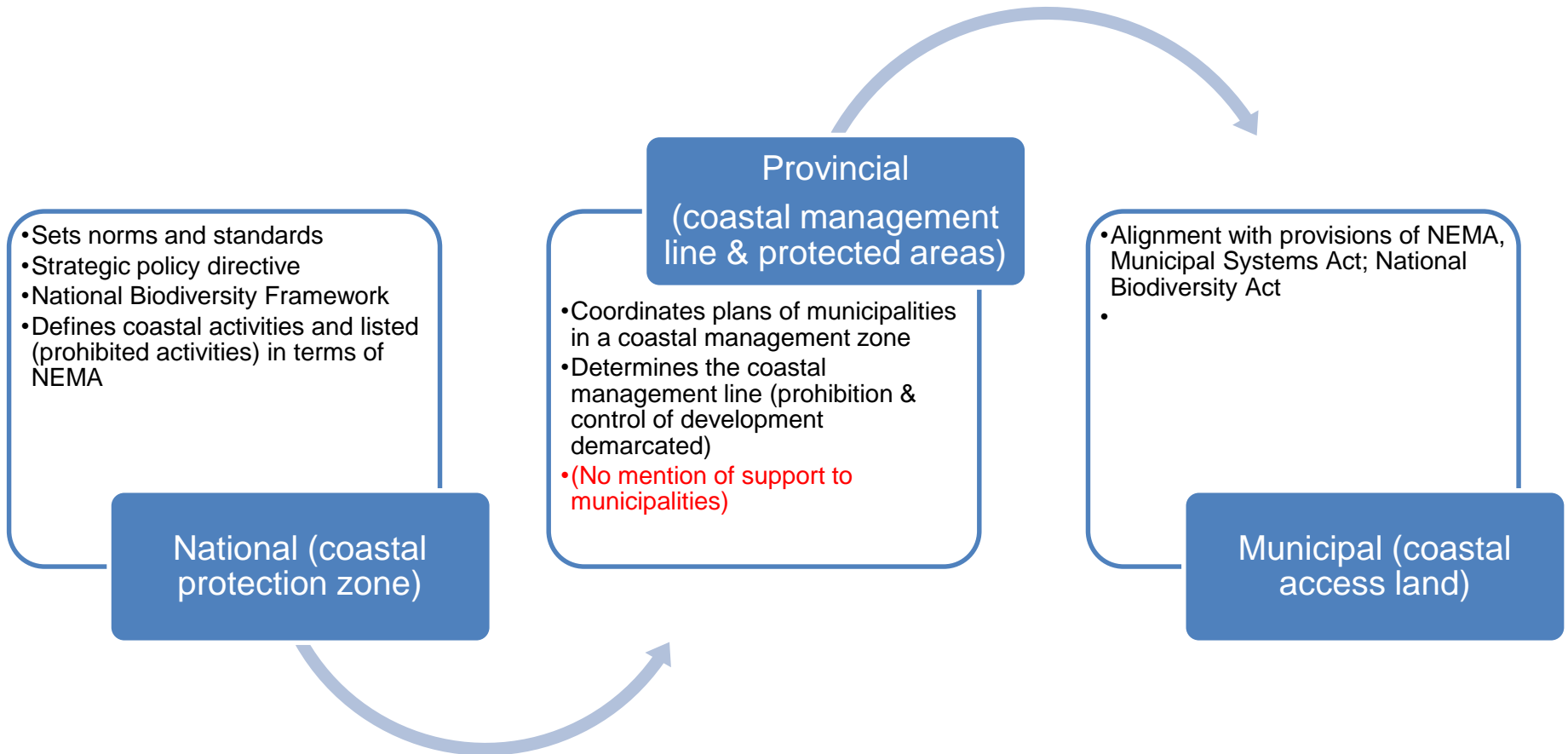
- Policy directive on ICM
- Provides for cooperative governance
- Norms and standards
- Performance measures

- Policy directive on ICM
- Consistent with the national CMP and Estuarine Management Protocol

- May develop as part of an IDP and SDF
- May include estuarine management plans
- By-laws



Responsibilities (ICMA Amendment Bill, 2013)

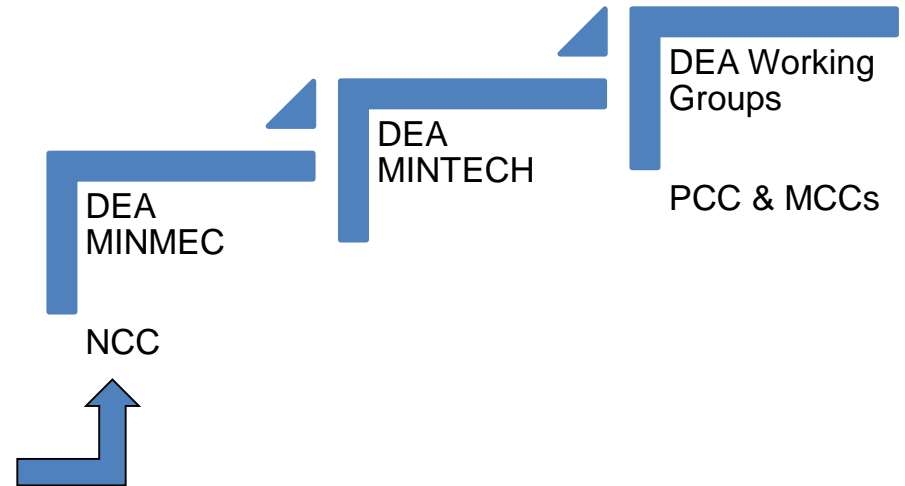


Institutional framework

International

- Institutional structures (COPs) addressing trans-boundary coastal management – i.e. Nairobi & Abidjan Conventions
- Institutions for large marine ecosystems – Benguela Current Commission
- SA is signatory to the Nairobi Convention

National



Institutional Arrangements

NCC

- Coastal & ecosystems experts
- PCC reps
- Municipal reps
- Affected national departments
- Management authorities of coastal protected areas

PCCs

- Coastal & ecosystems experts
- Reps of community based and non-governmental organisations
- Municipal reps
- Reps of scientific or coastal research institutes
- Affected national departments
- Management authorities of coastal protected areas

MCCs*

- Coastal management experts
- Reps of management authorities of protected areas/special management areas
- Reps of contributing communities or organisations i.e. port authorities, business owners, fishing communities, environmental interest groups, research organisations



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PART 3

MUNICIPAL MANDATE

The National Coastal Management Programme of SA(2014)

- Identifies coastal management units and boundaries and assigns management thereof to different organs of state (pages 19 – 25 in the NCMP, 2014)
- Confusion on management units of the coastal zone between province, district and local municipalities (all may extend to 500m seaward of the HWM)

Geographic boundary	Lead Authority	Legislation
Territorial waters, high water mark, seashore, coastal waters, special management areas, coastal public property	DEA national & provincial	ICM Act
Coastal protection zone & Estuaries	DEA National & provincial	ICM Act NEM: Biodiversity Act NEM: Protected Areas Act
Coastal access land	Municipality	ICM Act Municipal Systems Act

Coastal spatial planning

- Municipal planning for coastal management (aligned with province)

Planning process	Lead Authority	Legislation/Protocol/Tool
Estuary zoning plans (as part of estuary management plans)	District Municipalities*	National Estuary Management Protocol (ICM Act)
Coastal planning schemes*	DEA, provinces and municipalities	ICM Act
Provincial & municipal SDFs, land use plans and zoning schemes	Provinces & municipalities	<ul style="list-style-type: none"> • Municipal Systems Act • SPLUMA • Provincial Planning & Development Acts

Municipal activities in the coastal zone

- Municipalities may extend coastal public property to improve coastal access; municipal building inspectors control/prevent unlawful structures

Key Activity	Lead Authority	Legislation/Protocol/Tool
Management of coastal access land (coastal leases & concessions; unlawful structures* - DPW)	Metropolitan, District & Local Municipalities (compliance & enforcement by-laws)	ICM Act
Effluent discharges into the coastal zone (land reclamation)	DEA & DWA and local municipalities* - management/control urban storm water	ICM Act National Water Act
Coastal infrastructure (land-based)	Provinces & municipalities	<ul style="list-style-type: none"> • Municipal Systems Act • SPLUMA • Provincial Planning & Development Acts • National Building Regulations and Standards Act

National Estuarine Management Protocol (2013)

- Developed in terms of ICMA (2008) to give effect to coordinated management of estuaries with objectives to:
 - Set standards for the management of estuaries
 - Provide procedural guidance on management of estuaries
 - Provide minimum requirements for Estuarine Management Plans (EMPs)
 - Assign responsibility for development of EMPs and establish the process of review there of
- Notable inclusion of climate change and disaster risk as a key considerations

The NEMP and Local Government

Estuary Occurrence/Location	Development & implementation of EMP	Development & implementation support
Within the boundary of a single LM (& not part of a protected area or expansion thereof)	Sole local municipal responsibility	<p>Provincial department:</p> <ul style="list-style-type: none"> Identifies a list of priority estuaries as part of the provincial coastal management programme Inform national of capacity needs of municipalities to develop EMPs <p>National department:</p> <ul style="list-style-type: none"> Subject to availability, provide technical a& management support to municipalities – dependent on priority of estuary in meeting biodiversity targets DWA and DST to provide research and information support <p>(Institutional structures as per the ICMA)</p>
Within the boundary of more than one LM	District municipality responsibility (in consultation & written agreement with affected LMs) (EMPs must reflect institutional capacity & management requirements)	
Within the boundary of more than one DM	Sole Provincial environmental department responsibility	
<ul style="list-style-type: none"> Crosses boundaries between provinces Within a protected area or area identified for expansion of a PA 	<ul style="list-style-type: none"> National department responsibility Responsible management authority of PA 	



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PART 3

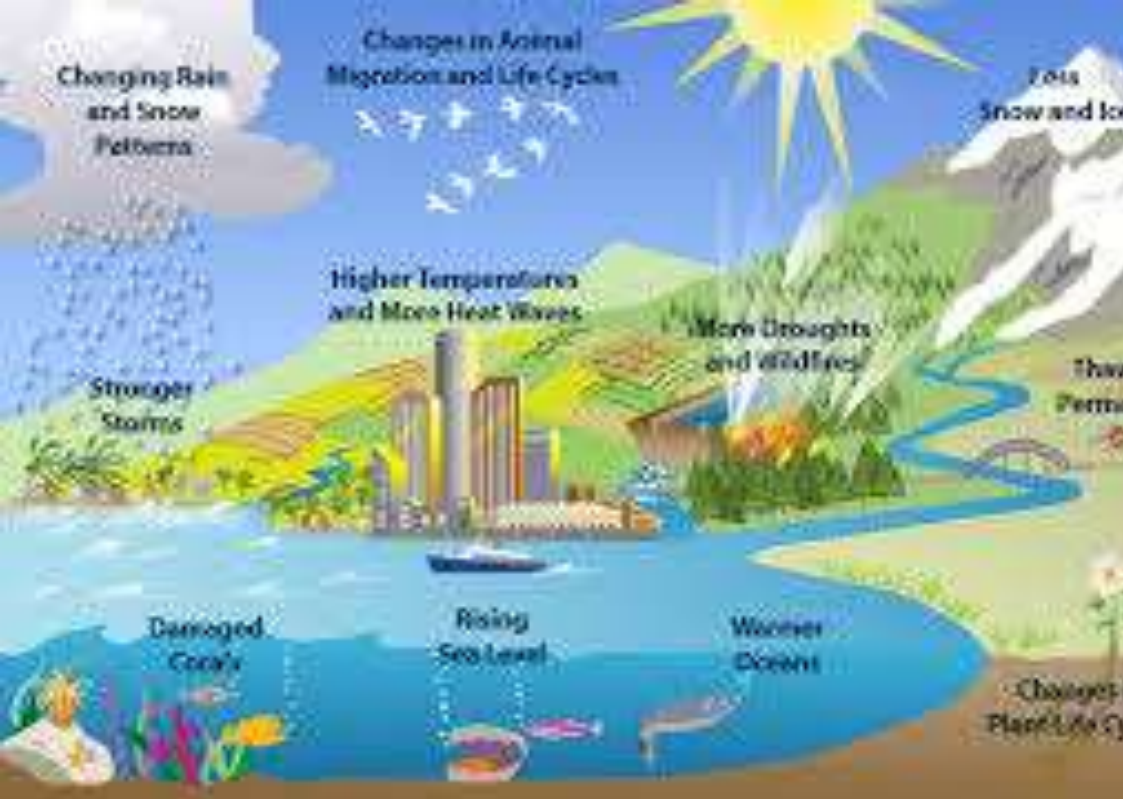
STATUS OF ICM IN LOCAL GOVERNMENT

Challenges in implementing the ICMA in LG

- Some confusion or lack of clarity on the nuances of the role between province, district, and local government:
 - Pertaining to the delineation of the coastal management zone
 - Pertaining to responsibility for setting coastal management lines (set-back lines)
 - Development of EMPs between districts and locals
- Resource constraints i.t.o. funding for specialist studies and research informing development of coastal management programmes or schemes
 - where the Constitution (schedules 4 & 5) and MSA do not prescriptively & explicitly provide for estuarine management and coastal protection
 - Lack of definition in the schedule on the type of spaces (beaches, parks etc.) providing a clear link to 'environmental' functions
- Lack of guidance on feasible alignment at an IDP level
- Emerging information indicates that the assignment of the functions is not the actual problem; but rather the feasibility of the obligation in terms of affordability and local expertise

Supporting implementation of the ICMA in LG

- There is a clear need for defining more explicitly what the role of local government is (both DMs and LMs)
 - Distinction made by the differentiation and typologies of municipalities
 - Understanding the associated costs, resource requirements and modalities for providing for the function
- There is a need for a protocol that defines the nature and extent of support to be provided to municipalities
- There is a need for exploration of mechanisms to integrate coastal management planning into existing planning frameworks
- To this end, SALGA has:-
 - Initiated a study on clarifying the municipal environment mandate; definition of implied costs and required resources
 - Initiated a process to define a Environmental Management protocol to clearly define the range of obligations of LG, mechanisms for devolution/assignment; funding and support to be agreed upon between Mayors and MECs
 - Initiated a national diagnostic process to inform a legal opinion and lobbying position
 - Planned a series of workshops for coastal municipalities on the ICMA Guideline
 - Stronger participation on Working for the Coast; Working on Wetlands; Blue Flag programmes



Eastern Cape Coastal Management Programme: 2013 Update



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THANK YOU!