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CONTENTS

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND DEVELOPMENT PLANNING**

P.N. 344/2002

Monday, 4 November 2002

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT 1998
(ACT NO. 107 OF 1998)**

ENVIRONMENTAL IMPLEMENTATION PLAN (EIP)

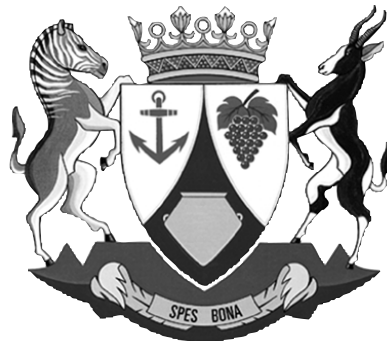
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GENERAL NOTICE

NOTICE 344 OF 2002

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND DEVELOPMENT PLANNING**



First Edition

**ENVIRONMENTAL
IMPLEMENTATION
PLAN**

WESTERN CAPE ENVIRONMENTAL IMPLEMENTATION PLAN

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List of Abbreviations

ABBREVIATION	MEANING
ARC	Agricultural Research Council
CEC	Committee for Environmental Co-ordination
CMIP	Consolidated Municipal Infrastructure Programme
CSIR	Council for Scientific and Industrial Research
DBSA	Development Bank of South Africa
DEAT	National Department of Environmental Affairs and Tourism
DEAET	Department of Economic Affairs, Environment & Tourism (Eastern Cape)
DECAS	Department of Environmental & Cultural Affairs and Sport
DEAAT	Department of Economic Affairs, Agriculture & Transport
DLA	Department of Land Affairs
DME	National Department of Minerals & Energy
DOT	National Department of Transport
DPLGH	Department of Planning, Local Government & Housing
DWAF	National Department of Water Affairs & Forestry
ECA	Environment Conservation Act, (Act 73 of 1989)
EIA Regulations	Environmental Impact Assessment Regulations
EIP	Environmental Implementation Plan
ENPAT	Environmental Potential Atlas
EMPR	Environmental Management Programme Report
GEAR	Growth, Equity and Redistribution Programme
GEF	Global Environmental Fund
GIS	Geographic Information System
IPC	Institute for Plant Conservation
IDP	Integrated Development Plan
IEM	Integrated Environmental Management
KMO's	Key Measurable Objectives
KPI's	Key Performance Indicators
LANOK	
LUPO	Land Use Planning Ordinance
MEC	Member of the Executive Committee
NBI	National Botanical Institute
NEMA	National Environmental Management Act (Act 107 of 1998)
NDOT	National Dept of Transport
NHRA	National Heritage Resources Act (Act 25 of 1999)
NWMS	National Waste Management Strategy
PDA	Planning and Development Act (Act 7 of 1999)
PDC	Provincial Development Council
PNE	Protected Natural Environment (declared ito section 16 of ECA)
PSP	Provincial Strategic Plan
SAHRA	South African Heritage Resources Agency
SAHRC	South African Human Rights Commission
SANPARKS	South African National Parks
SDF	Spatial Development Framework
SOER	State of Environment Report
UCT	University of Cape Town
WESGRO	Western Cape Investment and Trade Promotion Agency
WCFP	Western Cape Fiscal Policy Framework
WCNCB	Western Cape Nature Conservation Board
WCTB	Western Cape Tourism Board
WWF	World Wildlife Fund

1.0 INTRODUCTION AND OVERVIEW OF EIP

The First Edition Environmental Implementation Plan (EIP) for the Western Cape Provincial Government has been prepared as a requirement of the National Environmental Management Act (NEMA) (Act 107 of 1998). The Act states that all Provincial Governments are required to have EIP's to ensure co-operative environmental governance. Essentially EIP's must show how factors affecting the environment are managed and what mechanisms exist for co-ordinating environmental functions exercised by organs of state.

1.1 Purpose of EIP's

The purpose of an EIP as prescribed in section 12 of NEMA is to:

- Co-ordinate and harmonise environmental policies, plans, programmes and decisions made by government bodies which are responsible for the promotion and protection of a sustainable environment
- Identify areas of duplication and recommend ways in which to overcome them thereby giving effect to the principle of co-operative government as envisaged in the national Constitution
- Promote consistency in the exercise of functions that may affect the environment
- Secure the protection of the environment across the country
- Prevent unreasonable actions by provinces in respect of the environment
- Consolidate integrated environmental management processes already underway
- Enhance the mechanisms of co-operative governance within each province and between the various spheres of government
- Enable the national Minister responsible for the environment to monitor the achievement, promotion and protection of a sustainable environment

1.2 Requirements of First Edition EIP's

In terms of the guidelines provided by DEAT, first edition EIP's should cover the basic issues being dealt with in each of the relevant provincial departments. In this regard, the topics to be covered include:

- A description of policies, plans and programmes that may significantly impact on the environment. Only the high priority impacts are to be addressed at this stage.
- A description of the manner in which the relevant policies, plans and programmes comply with NEMA as well as any national norms and standards envisaged in the Constitution
- A description of the manner in which the province will ensure that its functions comply with the relevant legislative provisions
- Recommendations for promotion of the IEM procedures and regulations

1.3 Preparation and compilation of the First Edition EIP

The Directorate Environmental Management of the Department of Environmental and Cultural Affairs and Sport, drove the process of preparing the First Edition EIP. Because of capacity constraints within the Directorate, the task of information gathering, analysis and drafting the draft First Edition EIP was outsourced to consultants, MCA Urban and Regional Planners. The Directorate established a task team to ensure proper control, monitor progress and build capacity within the Provincial Government. The task team was chaired by the Director: Environmental Management and consisted of officials in the Directorate, the Chief Directorate Inter-governmental Relations and Planning Co-ordination and representatives of consultants. The task team met monthly during the course of preparing the EIP. To

facilitate the process of information collection and inter-departmental consultation, heads of departments were asked to nominate senior officials as contact persons.

The key activities involved in preparing and compiling the EIP were awareness raising, information gathering and analysis, inter-departmental consultation and drafting. Awareness raising on the statutory requirement to prepare EIP's, their purpose, objects and contents and submission to the CEC, was done through inter-departmental memoranda and presentations at the Provincial Planning Committee.

The First Edition EIP was compiled from pertinent information obtained from various sources within the Provincial Government. The process of information gathering and analysis and inter-departmental consultation included:

- scrutinising key plans, documents and policies such as the Western Cape Fiscal Policy and departmental Budget Statements, the Provincial Strategic Plan, departmental integrated management plans/strategic plans and business plans, sectoral policies (white/green papers) and policy frameworks such as the Western Cape Bioregional Planning Framework
- interviews with key senior managers (Director and higher) in the Provincial Government
- circulating drafts to departmental contact persons for inputs/comments
- an inter-departmental workshop in January 2001.

The purpose of the January workshop was to identify gaps in the draft First Edition EIP and solutions to addressing these. Furthermore, it provided opportunity for debate and ensuring ownership of the document. The workshop focussed on co-operative governance arrangements and mechanisms, recommendations for the implementation programme and for performance monitoring. The main outcome of this workshop was to identify the key elements of a programme for the implementation and monitoring of the EIP in chapter 14.

The consultants were commissioned to deliver a draft First Edition EIP. The Director Environmental Management was responsible for subsequent revision and refinement of the document.

One of the major deficiencies and problems encountered in gathering and analysing information and evaluating compliance was the lack of a Western Cape State of Environment Report and sustainable development indicators.

1.4 Structure of this Document

The approach used in this EIP covers all the issues spelt out in the "Guideline Document for Environmental Implementation Plans", but follows an alternative method in structuring the information and evaluating compliance with NEMA. The mandates (as articulated in legislation and policies), functions and institutional arrangements are dealt with together within the context of the Western Cape Provincial Government's strategic policy directives. The evaluation of policies, plans and programmes' compliance with the NEMA principles is structured according to the principles instead of by policy, plan and programmes. The compliance evaluation is based on a clustering of NEMA principles that reflects the strategic directions and priorities in the Province. Recommendations for environmental management are incorporated within a programme for implementation and monitoring the EIP.

The approach followed in this EIP was decided upon following consultation with key role players within the provincial government. It was felt that this would reflect more appropriately the specific governance and management requirements and systems within the Provincial Government. Furthermore, it would allow for greater integration and synergy between the EIP and other transversal plans and processes already in existence in the province.

The description of mandates and functions in the Province that may significantly affect the environment is dealt with in two chapters. Chapter Two describes the overarching strategic policy direction/framework of the Province based on the Cabinet objectives and the Provincial Strategic Plan. The mandates, functions and institutional arrangements of selected Provincial Government Departments are presented in Chapter

Three. The criteria for selecting departments and deciding on priority impacting functions in the Province, is explained in the beginning of chapter three. The chapter includes an overview per selected department of the key environmental impacts of the priority functions.

The description of priority policies, plans and programmes' compliance with the NEMA principles is covered in chapters Four to Twelve. Chapter Four lists and explains which of the NEMA principles were selected to evaluate compliance of key performance areas/policies, plans and programmes in the Province. Chapters Five to Twelve address compliance of priority policies, plans and programs with each of the selected NEMA principles.

Chapter 13 attempts to address the requirement that provinces should describe how the objectives of integrated environmental management and co-operative governance are met. It provides a 'birds eye view' or observation of some of the key problems and issues experienced in the Province that either contribute to, or detract from, achieving the objectives of integrated environmental management and compliance with the NEMA principles.

This chapter leads logically into the last chapter that sets out a programme for the implementation and monitoring of the EIP. It includes proposals for long term strategic interventions and sets out a short to medium term action plan for implementation.

2.0 WESTERN CAPE PROVINCIAL GOVERNMENT STRATEGIC POLICY FRAMEWORK

This chapter describes the overarching strategic policy framework of the Province based on the Cabinet growth and development objectives and the Provincial Strategic Plan. To assist in setting the strategies for governance in the Province, the Provincial Cabinet has established an integrated process that guides decision-making from budgeting through to project implementation and seeks to promote co-operative governance and co-ordinated planning within the Province. This information is included in the First Edition EIP because it forms the strategic and political backdrop for co-operative environmental governance in the Province.

2.1 Provincial Strategic Policy Directives

The Western Cape Government has set a new strategic framework for policy formulation which includes ten strategic policy directives (or objectives) to improve the quality of life of everyone in the Province. These directives/objectives are:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To fight HIV/AIDS and other diseases in a co-ordinated and comprehensive manner*
- *To deracialise and integrate all state financed institutions*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To stimulate economic growth*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- *To contain and eradicate crime through good intergovernmental co-operation*
- *To nurture our diversity and promote our various cultures, religions and languages*

The ten strategic policy directives/objectives form the underlying principles of the Western Cape Fiscal Policy Framework (WCFP) for the period 2001 to 2004. The overall objective of the WCFP is to direct departmental budget allocations and planning towards attaining the ten strategic policy directives.

2.2 Provincial Strategic Plan¹

The Provincial Strategic Plan has its origins in the constitutional and statutory obligations to co-operate and co-ordinate planning and development between government spheres, the national Reconstruction and Development Programme, GEAR and the Provincial Growth and Development Strategy. The Western Cape Provincial Growth and Development Strategy (PGDS) was approved by Provincial Cabinet in 1996. The PGDS focussed on the development dynamics of the Province and did not highlight linkages with specific programmes, plans and projects within departments. Neither did it explicitly deal with the transversal impact that development actions had on Provincial organisational processes and arrangements. The need to address linkages and synchronisation of executive actions, lead to the PGDS' metamorphous into the current *Provincial Strategic Plan — Towards a Holistic Development Approach* (PSP).

The purpose of the PSP is to get all Provincial Departments to work together towards integrated planning and achieve synergy between project execution in all three spheres of government. The PSP aligns projects to the budget process. It serves as policy framework for transversal planning co-ordination and co-operative governance in the province. The PSP is not a static product, but should be seen within the context of a continual process of adaptation and updating. The PSP is, therefore, a guiding framework for the Province in implementing its mandates.

The Provincial Government established two co-ordinating multi-sectoral structures to oversee the process of developing the PSP. The Provincial Development Council was established in terms of the Provincial Development Council Act, 1996 (November 1996) to ensure community participation in the process. The Council consists of representatives of organised Labour, Trade, Agriculture, Non Governmental Organisations (NGO), and Community Based Organisations (CBO). A Provincial Planning Committee has been established which comprises senior provincial department officials and a number of working groups. The committee serves as a co-ordinating instrument to manage the implementation of Provincial policy decisions. The Provincial Development Council (PDC) is also represented on the Planning Committee to obtain civil society's inputs in the planning process.

Since Integrated Development Plans are intended to promote internal consistency, the PSP appears to be an ideal vehicle for this. Compliance with NEMA principles could, therefore, be expected at this level of Provincial planning.

The PSP process has produced 5 primary objectives and 18 secondary objectives that are the mandates towards which all departments in the Province are expected to work. The intention is to ensure that departmental priorities are synchronised with the primary objectives that are described below.

2.2.1 Wellness

Ensure the wellness of all people through planned social change, with the emphasis on the identified need of vulnerable groups and communities

Wellness is best addressed by examining the socio-economic context of health, such as health status, the impact of external factors on health and the relationship between health and vulnerable groups such as women and children.

The secondary wellness objectives are:

- To develop, sustain and co-ordinate a promotive, developmental, preventative and rehabilitative primary health care service through a quality, integrated and comprehensive approach

1. The PSP is currently being revisited and revised to ensure greater alignment between it, the provincial fiscal policy, MTEF and department strategic plans and budgets.

- To integrate people at risk into the community. This includes narrowing the rural-urban divide
- To accelerate the provision of sustainable and affordable housing, basic infrastructure and services

2.2.2 Economy

Nurture/promote and contribute towards the establishment of a healthy, dynamic, sustainable Western Cape Economy

A requirement of this objective would be to work towards a highly skilled workforce, dynamic marketing, investment in research and development, innovation and the application of knowledge and technology that contribute towards the Western Cape becoming a “learning region”.

The secondary objectives associated with the Economy are:

- Maximise the growth potential of local economic sectors, focussing on those cluster/sectors that maximise employment, trade, marketing, investment opportunities and human capital development
- Broaden the ownership base of the economy in order to reflect the demographics of the Western Cape with special emphasis on previously disadvantaged groups

2.2.3 Safe and Secure Province

Ensure and maintain a safe and secure Province developed and managed to promote well-being

The intention is to improve community safety and well being through the use of the law enforcement components as well as the protection of the unique biophysical environment.

The secondary objectives of the Safe and Secure Province are:

- Ensure co-ordinated participation in respect of crime prevention
- Ensure the efficiency and effectiveness in the combating of crime
- Attain sustainable and equitable development by ensuring human security and the conservation of natural resources

2.2.4 Human Resource Capacity

Improve the quality of life by developing the human resource capacity of people for a vibrant and productive society realising that there is no development without self-development

A coherent and holistic strategic framework for human resource development needs to be developed to redress the low skills levels.

The secondary objectives associated with Human Resource Capacity are:

- Ensure increased access to education, training and development for all learners including disadvantaged learners, potential learners and adult learners
- Ensure quality demand driven education, training and development

2.2.5 Institutional

Ensure effective, efficient and sustainable governance

This objective works towards ensuring that the Provincial Government is institutionally geared towards meeting the objectives.

The secondary institutional objectives are:

- To enhance service delivery through specific management practices and techniques
- To operate within an effective, co-ordinated system of two way communication
- To develop an enterprise-wide information system
- To ensure efficient and effective civic and inter-departmental relations
- To enforce *Batho Pele*
- Actively pursue a value-driven transformation process
- Ensure continuous capacity building
- Extension of the income basis of Province through specific strategies to mobilise resources

While the Provincial Government is establishing the basis of the institutional requirements for the implementation, or achievement of its mandates, it does not address the NEMA principles directly. While environmental issues are raised, they are done as part of a range of other objectives. The additional purpose of this report is to evaluate the extent to which these objectives comply with NEMA principles and to determine the extent to which they are being implemented. The reason is that the success of the PSP is important because it impacts on the functioning of the Province, thus impacting on the environment. The successful implementation of the PSP could be regarded as a necessary condition for achieving the NEMA principles, even though the PSP does not specifically set out to do so, and that it might have to be adapted to make sustainable development an overarching objective.

3.0 MANDATES, FUNCTIONS AND INSTITUTIONAL ARRANGEMENTS

This chapter describes the mandates, priority functions and programmes affecting the environment as well as institutional arrangements of selected departments within the Western Cape Provincial Government. It includes an overview of the key environmental impacts of the priority functions.

The Western Cape Provincial Government consists of the following components and departments:

- Provincial Parliament or Legislature
- Office of the Premier, Director-General and Corporate Services
- Department of Finance
- Department of Community Safety
- Department of Education
- Department of Health
- Department of Social Services
- Department of Planning, Local Government and Housing
- Department of Environmental and Cultural Affairs and Sport
- Department of Economic Affairs, Agriculture and Tourism

There is a wide range of parastatal organs and independent agencies established under provincial laws including:

- Western Cape Nature Conservation Board (WCNCB)
- Western Cape Tourism Board

- Western Cape Investment and Trade Promotion Agency (WESGRO)
- Provincial Development Council
- Western Cape Housing Development Board
- Western Cape Cultural Commission
- Local Road Transportation Board

The activities of the different line function departments and parastatals in the province do not pose equally significant pressures and impacts on the environment.² The mandates and functions of the provincial departments were evaluated in relation to the potential for driving environmental change and/or causing negative impacts on the environment. The evaluation was based on information obtained from interviews with key personnel of relevant provincial departments and contained in the integrated strategic management plans and provincial fiscal policy for the period 2001 to 2004. Given the requirements of the First Edition EIP, as spelt out in the DEAT's *Guidelines for the Preparation of the First Edition EIP's and EMP's (November 1999)*, it was decided to focus on those provincial departments that impact directly on the biophysical environment and whose mandated powers and functions have a significant effect on the environment, namely: Office of the Director-General

- *Chief Directorate Inter-governmental Relations & Planning Co-ordination*

Department of Health

- Environmental and Occupational Health

Department of Planning, Local Government and Housing

- *Local Government,*
- *Chief Directorate Development Planning*
- *Housing*

Department of Economic Affairs, Agriculture and Tourism

- *Business Promotion and Tourism*
- *Transport*
- *Agriculture*

Department of Environmental and Cultural Affairs and Sport

- *Chief Directorate Environmental Affairs*
- *Directorate Culture & Heritage*
- *Western Cape Nature Conservation Board*

The description of mandates, functions and institutional arrangements of each of the selected departments is presented according to the following information:

- Brief description of the **strategic goal** in exercising the sectoral mandate and function/s
- Summary of key laws and policy frameworks that govern the **mandate**. A distinction is made between legislation that is administered by the selected department — in other words where the department is the Regulator, and legislation where it merely has a support or commenting role. Where appropriate

2. The term "department" is loosely used to refer to Provincial Departments, the Chief Directorates within them and the Directorates within those Chief Directorates.

reference is made to specific guidelines developed to aid the implementation of key legislation and policies affecting the environment. All statutory authorisations and permissions issued by departments to comply with environmental laws are summarised in a single table at the end of this chapter. ANNEXURE 1 contains a more detailed description of the most important environmental legislation administered in the Western Cape.

- Detailed description of the priority **functions** that affect the environment in carrying out the sectoral mandate.
- List of key **environmental issues** and **projects and programmes** associated with the priority functions. (Additional information is provided in chapters 5 to 13)
- Brief description of the **institutional arrangements** established to give effect to co-operative governance and promote compliance with environmental legislation in carrying out line functions. *External co-ordinating structures* refer to those structures involving representation from provincial departments as well as organisations outside of the provincial government such as national departments, local government, private sector and civil society. *Internal co-ordinating structures* refer to those structures involving representation from exclusively provincial departments or organs. Where appropriate, information is included on memoranda of understanding, and other co-operative working arrangements, that affect the environment

Most of this information is provided in table format for easy reference purposes. The strategic goals of the selected departments are included to contextualise the mandates, functions and institutional arrangements. Where appropriate, the key measurable objectives in respect of certain projects and programmes are included, to serve as benchmarks for subsequent reviews of the First Edition EIP.

Existing national policies and laws primarily guide the execution of mandates, functions and programmes within the Western Cape. National policies, laws and programmes are described in the EIP's or EMP's of the respective national departments. For this reason, a description of each of these policies, laws and programmes is not included in this EIP.

This chapter does not describe the extent to which the selected departments comply with environmental laws and NEMA principles in executing their respective mandates and functions. This is addressed separately in chapters 5 to 13 where it is described in relation to the principles, and not according to line functions.

For easy reference purposes a summary table of priority functions and associated key environmental impacts is included at the end of this chapter.

3.1 OFFICE OF THE DIRECTOR-GENERAL

The only component in the Office of the Director-General that has an impact on environmental governance is the Chief Directorate Intergovernmental Relations & Planning Co-ordination. The Chief Directorate plays a fundamental role in ensuring co-operative governance in the Province. This office is a critical role player in co-ordinating and ensuring the successful implementation and monitoring of the EIP in the Province.

3.1.1 Chief Directorate Intergovernmental Relations & Planning Co-ordination

Strategic goal: Provide professional management support to the Premier and Cabinet on intergovernmental relations and ensure efficient transversal planning and planning co-ordination

The chief directorate's mandates, priority functions and institutional arrangements that affect environmental governance are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
Legislation administered Constitution of RSA, 1996, Sch. 5 Public Services Act, specifically sections 3 & 7	Support/commenting role Constitution of RSA, 1996, Sch. 5 Public Services Act, specifically sections 3 & 7	Policy Frameworks <i>Provincial Strategic Plan (PSP) — Towards a Holistic Development Approach</i>
FUNCTION: Support inter-governmental relations & co-ordinated planning in the Province		
Priority functions <ul style="list-style-type: none"> • Support intergovernmental relations & planning co-ordination frameworks • Execute PSP & undertake primary research in this regard • Create & evaluate Provincial Strategic Programmes • Distribute Provincial Strategic Information <ul style="list-style-type: none"> • Scenario planning • Secretariat for provincial wide co-operative governance structures (eg PDC & PPC) 	Projects & Programmes Provincial Strategic Plan IDP co-ordination in W Cape	Environmental issues Environmental considerations not incorporated into PSP and IDP's
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures Provincial Development Council Provincial Planning Committee WECLOGO	Internal co-ordinating structures Internal structures iro IDP co-ordination to be established	Working Arrangements Co-ordination of IDP initiatives in W Cape & provincial line dept's involvement at local level

3.2 DEPARTMENT OF HEALTH

The core functions of this department include the delivery of primary health care services including prevention and promotion of a safe and healthy environment. In addition to a primary health care service the Department provides hospital services, academic health services and medical emergency transport and rescue services. In this report, only the activities of the Environmental and Occupational Health component have been evaluated. The other functions of this Department do not have a direct effect on the environment. Environmental and Occupational Health are included in the Community Health Services Programme and administered as district health services under the Chief Directorate Mental, Regional Health and Emergency Medical Services.

3.2.1 Environmental & Occupational Health

Strategic goal: Create a supportive environment that will promote the health of all the people in the Western Cape through an integrated environmental health strategy. Further, to ensure effective interventions for priority areas such as tuberculosis, nutrition, maternal and child health, reproductive health, mental health and environmental and occupational health.

The Department administers a wide range of laws that give effect to the constitutional obligation to provide an environment that is not harmful to human health. These legal mandates and associated priority functions and institutional arrangements are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered Health Act 1977 (Act 63 of 1977) Regulations: Proposed Reg's on control of environmental conditions constituting a danger to health or a nuisance (R1999 of 15/09/00) Offensive trade regulations (R1606 of 1934) Reg's on inspections & investigations (R1128 of 24/05/91) Reg's on preventing rodent infestation & storage of grain, forage, etc in urban & rural areas RSA (R1411 of 23/09/1966) Reg's on milking sheds & the transportation of milk (R1256 of 27/06/1986) Reg's on general hygiene requirements for food premises & transportation (R 918) Hazardous Substance Act 1973 (Act 15 of 1973) Regulations: Reg's governing the conveyance of hazardous substances by road tanker R 73 of 11/01/1985; Declaration of Group II hazardous substances R 2825 of 21/12/1984; Draft Reg's re aerial application of agriculture remedies R611 of 31/03/1994 Regulation under Hazardous Substance Act R453 of 25/05/1977 Exhumations Act 1985 (Act 15 of 1985) Tobacco Products Control Act 1993 (Act 83 of 1993) Notice re smoking of tobacco products in public places R975; Notice re maximum permissible yield of tar, nicotine and other constituents in tobacco products R974 International Health Regulations Act 1974 (Act 28 of 1974) Foodstuffs Cosmetics & Disinfectants Act 1974 (Act 54 of 1974)</p>	<p>Support/commenting role National Water Act, Environment Conservation Act, Atmospheric Pollution Prevention Act, Occupational Health and Safety Act, Physical Planning Act, Sea Shore Act, Abattoir Hygiene Act, Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act.</p>	<p>Policy frameworks <i>SABS Codes Of Practice</i> <ul style="list-style-type: none"> • Aerial application of agricultural remedies — 0118 of 1990 • Application of certain soil insecticides for the protection of buildings — 0124 of 1977 • Specifications for water for domestic supply — 0241 of 1984 • Handling and disposal of waste in health care facilities — 0248 of 1993 Provincial Guidelines <ul style="list-style-type: none"> • Permissible utilisation and disposal of sewage sludge • Quality of domestic water supplies </p>
FUNCTIONS: Regulate environmental & occupational health for communities at district level		
<p>Priority functions</p> <ul style="list-style-type: none"> • Co-ordinate, monitor & evaluate Environmental & Occupational Health Services within the Western Cape Province • Provide environmental & occupational health support service at district level • Render and environmental health service to all government institutions (the Western Cape Provincial Government is at present considering plans to transfer the environmental health function from the Department of Health to the Department of Environmental & Cultural Affairs and Sport) 	<p>Projects & Programmes</p> <ul style="list-style-type: none"> • Environmental & Occupational Health. KMO's include • establishing occupational health service/network at all levels • collaborating with other components to avoid fragmentation & duplication • linking with other government departments, NGO's, training institutions & private sector • implementation of a Safety, Health & Environment Executive Committee & Occupational Health & Safety System in W Cape 	<p>Environmental issues</p> <ul style="list-style-type: none"> • Environmental conditions (eg polluted water/air) that constitute a danger to human health or nuisance (eg cholera/respiratory diseases, smells & odours) • Handling & disposal of medical waste • Use of hazardous substances in the workplace • Medical waste in landfill • Scavengers at landfill

INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
<p>External co-ordinating structures:</p> <ul style="list-style-type: none"> • Western Cape Provincial Liaison Water Committee; • Coastal Water Pollution Committee (False Bay/Table Bay); • Pollution Control Co-ordination Committee; • Provincial Sanitation Task Team; • Various Resident Monitoring Committees regarding Waste Disposal Sites, Waste Water Treatment Plants and Incinerators; • Provincial, Regional & Municipal Environmental Health Forums • National Inter-port working Group 	<p>Internal co-ordinating structures</p> <ul style="list-style-type: none"> • Inter- Regional Provincial Health Forum; • Provincial Environmental Health Task Team; • Regional co-ordination meetings (at district municipality level) 	<p>Working Arrangements</p> <ul style="list-style-type: none"> • DWAF • DEAT • Local Authorities • Department of Labour • Department of Agriculture • SABS • DECAS

3.3 DEPARTMENT OF PLANNING, LOCAL GOVERNMENT AND HOUSING

This department’s core functions are:

- management of development planning in the province
- promotion of effective local government services
- facilitation of affordable and acceptable housing

The Department consists of three Chief Directorates, namely Development Planning & Information Management, Local Government and Housing. All the core functions of this Department impact directly on the biophysical environment and can potentially have a significant effect on the environment.

3.3.1 Chief Directorate Development Planning and Information Management

The Chief Directorate consists of two Directorates, namely **Land Development Management** and **Regional Planning**.

Strategic goal: To create an integrated and sustainable environment

The mandates, priority functions, associated environmental issues and institutional arrangements are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <p><i>Regional Planning</i> Section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) this Directorate evaluates projects submitted to the Dept on appeal.</p> <p><i>Land Development Planning</i> Land Use Planning Ordinance 1985 (Ordinance 15 of 1985) Western Cape Planning & Development Act 1999 (Act 7 of 1999) & Regulations Removal of Restrictions Act 1967 (Act 84 of 1967) Less Formal Township Establishment Act 1991 (Act 113 of 1991) Local Government Municipal Structures Act 1998 (Act 117 of 1998)</p>	<p>Support/commenting role</p> <p>Environment Conservation Act National Environmental Management Act Municipal Systems Act Western Cape Housing Development Act, Act 6 of 1999</p>	<p>Policy Frameworks</p> <ul style="list-style-type: none"> • <i>Bioregional planning framework for the Western Cape Province</i> • <i>Western Cape Coastal Zone Policy</i> • <i>Draft urban settlement policy</i> • <i>Draft Farm worker settlement policy</i> • <i>Draft rural development policy</i> • <i>Subdivision of farms along tourist routes policy</i>

FUNCTION: Monitor & regulate development planning in the Western Cape Province		
<p>Priority functions</p> <p><i>Regional Planning</i></p> <ul style="list-style-type: none"> Regulate, monitor & support IDP process Initiate & promote bio-regional planning Evaluate rural & urban development & regional planning projects Promote establishment of Biosphere Reserves Promote application of W Cape Coastal Zone Policy & participate in coastal working group Provide planning input into Provincial Housing Board applications <p><i>Land Development Planning</i></p> <ul style="list-style-type: none"> Review & manage provincial planning legislation Maintain Western Cape Planning Review Board Process applications to Western Cape Planning Review Board & Planning Advisory Board Process planning appeals Establish & maintain development planning database & GIS facility 	<p>Projects & Programmes</p> <p>Man & Biosphere Programme Coastal Zone Management Project</p>	<p>Environmental issues</p> <ul style="list-style-type: none"> Change of land use and associated environmental impacts Loss of habitat and biodiversity Impacts on sensitive environments, such as wetlands & mountain ridges Urban sprawl & ribbon development Energy, telecommunications, sanitation, housing, social development & transport infra-structure Loss of cultural landscape due to development Environmental considerations not adequately addressed in planning frameworks Mariculture excluded from macro planning frameworks (eg SDF's) Conflicts of land use in land reform projects Sustainable land use planning
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
<p>External co-ordinating structures</p> <ul style="list-style-type: none"> Inter-departmental Environmental Liaison Committee (IELC) Planning Advisory Board (planners, surveyors, architects, lawyers & environmentalists) Various forums for municipal officers such as the forum for town planners, chief executive officers etc Various municipal working groups such as the Metropolitan Zoning Framework Steering Committee 	<p>Internal co-ordinating structures</p> <ul style="list-style-type: none"> EIA & Planning Applications Forum Ministers of Environmental & Cultural Affairs and of Planning Local Government & Housing meet regularly 	<p>Working arrangements</p> <p>Chief Directorates Development Planning & Environmental Affairs co-operate iro streamlining procedures to consider development applications, integrating decision-making, developing operational guidelines and building capacity in local authorities. Working arrangements also exist with municipalities, the Department of Agriculture and with Department of Minerals & Energy</p>

3.3.2 Chief Directorate Local Government

The Chief Directorate consists of three Directorates, namely **Local Government Legislation & Administration**, **Local Government Development** and **Local Government Finance**. The Chief Directorate administers the Consolidated Municipal Infrastructure Programme (CMIP).

Strategic goal: Promote, co-ordinate and monitor the establishment, development and regulation of effective, efficient, transparent and sustainable local government

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <p>Constitution Municipal Ordinance, 20 of 1974 Act 67 of 1977 Act 99 of 1987 Municipal Structures Act, 117 of 1998 Municipal Systems Act, Act 32 of 2000 Municipal Demarcation Act, Act 27 of 1998</p>	<p>Support/commenting role</p>	<p>Policy frameworks</p> <p><i>White Paper on Local Government</i></p>

FUNCTION: Promote & regulate development efficient & sustainable local government in W Cape		
<p>Priority functions <i>Local Gov't Legislation & Admin</i></p> <ul style="list-style-type: none"> • Rationalise local gov't legislation • Assist local gov't to function according to applicable legislation <p>Local gov't development</p> <ul style="list-style-type: none"> • Monitor & support local gov't structures • Monitor & promote IDP process & assist with compilation of IDP frameworks for new municipalities • Advise local authorities on social, financial & constitutional matters • Maintain multi-disciplinary & integrated disaster management & fire-fighting structures at provincial & local levels <p>Local gov't finance</p> <ul style="list-style-type: none"> • Monitor & support financial administration of local gov't • Monitor financial viability of local authorities <p>CMIP</p> <ul style="list-style-type: none"> • Create CMIP infrastructure 	<p>Projects & Programmes Consolidated Municipal Infrastructure Programme</p>	<p>Environmental issues</p> <ul style="list-style-type: none"> • Compact cities and urban sprawl • Loss of habitat and biodiversity • Environmental considerations not addressed in IDP's • Energy and transport infrastructure • Accessibility to clean potable water & sanitation services • Air pollution from traffic & industry • Noise pollution • Visual impacts • Sensitive environments damaged/destroyed/threatened • Loss of habitat and biodiversity • Pollution and waste • Recycling and waste reduction • Pollution (leachate from landfill, smell and visual) • Air pollution from waste incineration • Medical waste in landfill • Scavengers at landfill • Limited awareness of Local Agenda 21
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
<p>External co-ordinating structures MINMEC MINMEC Technical Committees Development Municipal Managers Forum</p>	<p>Internal co-ordinating structures</p>	<p>Working Arrangements</p>

3.3.3 Chief Directorate Housing

The Chief Directorate consists of three Directorates, namely **Professional & Technical Service, Housing Management** and **Housing Establishment**. The Chief Directorate core function is to manage and promote the provision of affordable and acceptable housing and related infrastructure in the province. It also monitors the Consolidated Municipal Infrastructure Programme (CMIP).

Strategic goal: Ensure that the people of the Western Cape are happily housed

The mandates, priority functions, associated environmental issues and institutional arrangements are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered Housing Act, Act 107 of 1997 Act 9 of 1987 Housing Consumers Protection Measures Act, Act 95 of 1998 Act 9 of 1998 Act 113 of 1991 Rental Housing Act, Act 50 of 1999 Western Cape Housing Development Act, Act 6 of 1999</p>	<p>Support/commenting role</p>	<p>Policy Framework Rapid Land Release policy</p> <p>Guidelines National Housing Code</p>

FUNCTION: Manage & promote the provision of affordable & acceptable housing & related infrastructure in the Province		Guidelines National Housing Code
Priority functions <i>Housing management</i> <ul style="list-style-type: none"> • Formulate provincial housing policy • Promote housing • Administer & regulate Housing Fund (distribution of housing subsidies) • WCHDB secretariat services <i>Housing settlement</i> <ul style="list-style-type: none"> • Manage WCHDB assets • Promote integrated rural development • Promote orderly settlement, settlement management & related impact reducing measures • Promote integrated urban development • Formulate provincial policy on urbanisation & rural development <i>Professional & technical services</i> <ul style="list-style-type: none"> • Render engineering & architectural and building support service to local authorities iro bulk infra-structure, internal services & housing delivery • Manage maintainance services iro engineering infrastructure & WCHDB property • Promote, facilitates & monitor municipal service partnerships in local authorities 	Projects & Programmes Consolidated Municipal Infrastructure Programme Human Settlement Re-development Programme Provincial Housing Programme	Environmental issues <ul style="list-style-type: none"> • Water consumption, conservation & re-use • Transportation • Visual impacts • Loss of habitat & biodiversity • Sensitive environments • Pit latrines and sanitation • Energy efficient housing • Urban open space • Greening • Impacts of engineering services • Waste management • Distance between workplace and low income housing projects • Low income housing projects developed on land below the 1: 50 year floodplain or where water table is high • Contributes to urban sprawl • Limited awareness of HABITAT Agenda and Agenda 21
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures MINMEC MINMEC Technical Committees Provincial Development Council	Internal co-ordinating structures Western Cape Housing Development Board	Working arrangements The Directorate Housing promotes, facilitates & monitors Municipal Services Partnerships at local level between local authorities & the private sector to provide efficient & affordable municipal services

3.4 DEPARTMENT OF ECONOMIC AFFAIRS, AGRICULTURE AND TOURISM

The mission of the Department is the active promotion of an environment to sustain a dynamic, world-class economy for the equal benefit of all inhabitants of the Western Cape. This Department's core functions include:

- Facilitate the establishment and maintenance of a strong, dynamic and socially responsible economy for the benefit of all residents of the province
- Provide and manage the best land based transport system for all
- Provide accommodation for all provincial departments & manage the property portfolio for optimum benefit
- Promote sustainable agricultural production and marketing to the best advantage of all communities

The Department consists of three Branches, namely Chief Directorates, namely Transport, Property Management & Works, and Business Promotion and Tourism. The first Branch consists of two Chief Directorates, namely, Infrastructure and Transport Programmes. The second Branch consists of two Chief Directorates, namely Property Management and Works. The third Branch consists of two Chief Directorates, namely Business Promotion and Tourism. The Chief Directorate Agriculture reports directly to the Head of Department. All the core functions of this Department impact directly on the biophysical environment and can potentially have a significant effect on the environment.

3.4.1 Branch Business Promotion and Tourism

Strategic Goal: Facilitate the establishment and maintenance of a strong, dynamic and socially responsible economy for the benefit of all residents of the province by promoting and developing opportunities in the industrial and tourism sectors, regulating the business environment and facilitating economic co-operation.

3.4.1.1 Chief Directorate Business Promotion

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <ul style="list-style-type: none"> • Western Cape Investment & Trade Promotion Agency Act, Act 3 of 1996 • Liquor Act, Act 27 of 1989 • Businesses Act, Act 71 of 1991 	<p>Support/commenting role</p>	<p>Policy Frameworks</p> <ul style="list-style-type: none"> • <i>White Paper on Developing the Western Cape for the Knowledge Economy of the 21st century</i> • <i>White Paper on National Strategy for Development & Promotion of Small Business in SA</i> • <i>Translating GEAR for W Cape</i> • <i>Liquor Policy Green Paper</i> <p>Guidelines</p> <ul style="list-style-type: none"> • SA/EU Free Trade Agreement • Export Development Program

FUNCTION: Regulate business promotion and facilitate economic co-operation.		
<p>Priority functions</p> <p><i>Industrial development & marketing</i></p> <ul style="list-style-type: none"> Plan, facilitate & stimulate trade & industrial policy & development Promote foreign trade, investment and export support Identify sectors for development Quality information on key sectors & develop projects within sectors focusing on global competitiveness & skills development <p><i>Business regulation</i></p> <ul style="list-style-type: none"> Develop & administer policy re business regulation <p><i>Economic development co-ordination</i></p> <ul style="list-style-type: none"> Support SME development in disadvantaged communities Promote local economic development, poverty alleviation, job creation & sustainable communities Foster collaboration in economic development between spheres, sectors & communities 	<p>Projects & Programmes</p>	<p>Environmental issues</p> <ul style="list-style-type: none"> Activities prohibited ito ECA s22 conducted without authorization Development of anchor projects (SDI's) result in pressures on resources (land, water, soil & air) Increase in waste stream as result of increased industrial activity Cleaner production & recycling Environmental regulation considered as obstacle to development & economic growth & potential barrier to foreign investment in some sectors
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
<p>External co-ordinating structures</p> <p>MINMEC MINMEC Technical Committees</p>	<p>Internal co-ordinating structures</p> <ul style="list-style-type: none"> Economic Development Committee West Coast Task Team Mission Settlements Task Team 	<p>Working arrangements</p> <ul style="list-style-type: none"> The Dept will establish a Manufacturing Advisory Centre (MAC) in partnership with DTI & local stakeholders Partnership with national Dept of Provincial & Local Gov't on local economic development projects in rural areas Public Private Partnerships iro job creation in Integrated Serviced Land Project Export Development Program initiated with Cape Chamber of Commerce

3.4.1.2 Chief Directorate Tourism

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <p>International Convention Centre Company Act, Western Cape Tourism Act, Act 3 of 1997</p>	<p>Support/commenting role</p>	<p>Policy frameworks</p> <p><i>White Paper on Developing the Western Cape for the Knowledge Economy of the 21st century</i> <i>Tourism White Paper</i></p>
FUNCTION: Promote & develop tourism sector in Western Cape		
<p>Priority functions</p> <ul style="list-style-type: none"> Facilitate & administer policy, strategy & regulatory framework for tourism in province Maintain & monitor functions of Western Cape Tourism Board to implement tourism strategy Co-ordinate tourism-related programmes & promote inter-governmental co-operation for tourism development Mandatory registration of all tourism businesses to ensure adherence to minimum standards including potential negative impacts on environment 	<p>Projects & Programmes</p> <ul style="list-style-type: none"> Mission Route Craft Development Project Integrated Development Framework Programme (identifies areas & regions of potential tourism growth) Road Signage Project 	<p>Environmental issues</p> <ul style="list-style-type: none"> Over utilization of sensitive environments for recreational purposes Destruction of dunes by ORV's 4X4 routes in sensitive environments Loss of 'sense of place' & unique cultural landscape due to extensive golf resort development Use of natural resources for craft purposes Over-exploitation of scenic landscapes, heritage and sensitive environments Loss of scenic diversity, bio-diversity, heritage and sensitive environments (golf resorts)

INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures MINMEC MINMEC Technical Committees	Internal co-ordinating structures To be established: Ministerial Tourism Forum	Working arrangements <ul style="list-style-type: none"> Partnerships with provincial Depts of Cultural Affairs & Social Services on craft development support Community-based tourism projects Partnerships with WCTB & tourism sector stakeholders on Integrated Development Framework Program

3.4.2 Branch Transport

Strategic Goal: Promote accessibility and the safe, affordable movement of people, goods and services by ensuring a sustainable integrated and environmentally sensitive transport system which supports and facilitates social and economic growth, as well as ensuring the delivery and maintenance of provincial infrastructure.

MANDATES (Governing laws & policy frameworks)		
Legislation administered Ordinance 19 of 1976 Act 29 of 1989 Act 74 of 1977	Support/commenting role	Policy frameworks <i>White Paper on Developing the Western Cape for the Knowledge Economy of the 21st century</i> <i>White Paper on National Transport Policy</i> <i>White Paper on W Cape Provincial Transport Policy</i>
FUNCTION: Ensure a sustainable integrated and environmentally sensitive transport system		
Priority functions <i>Roads</i> <ul style="list-style-type: none"> Technical support service for road planning & construction Construct & repair roads Maintain & repair roads <i>Transport programmes</i> <ul style="list-style-type: none"> Plan public transport, regulate land-based transport & develop public transport in rural areas Develop community-based transport infrastructure projects & implement transformation 	Projects & Programmes	Environmental issues <ul style="list-style-type: none"> Ribbon development Loss of habitat and biodiversity Borrow pits Impact on sensitive environments Transformation of landscapes Visual impacts Pollution (water, dust, noise) Truck stops along major routes Air pollutions (associated with vehicle emissions & taxi recapitulation programme) Roads not prohibited activity ito EIA Regulations Toll Roads (N1 & N2)
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures MINMEC MINMEC Technical Committees	Internal co-ordinating structures	Working Arrangements

3.4.3 Chief Directorate Agriculture

Strategic Goal: Promote sustainable agricultural production and marketing within the Western Cape economy to the best advantage of all communities through technology development, technology transfer and agricultural training.

The mandates, priority functions, associated environmental issues and institutional arrangements are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
Legislation administered Ordinance 19 of 1976 Act 29 of 1989 Act 74 of 1977	Support/commenting role Conservation act 43 of 1983. Subdivision of agricultural land 40 of 1970.	Policy frameworks <i>White Paper on Developing the Western Cape for the Knowledge Economy of the 21st century</i>
FUNCTION: Promote sustainable agricultural production		
Priority functions <ul style="list-style-type: none"> • Develop, adapt & transfer appropriate agricultural technology for farmers & other users of natural resources. • Develop support programs for farmers, train prospective farmers, advisors & technicians. • Create opportunities for the development of farmers and communities. • Promote sustainable utilisation of natural agricultural resources, protection of the environment, planning and development of agricultural engineering products and advising farmers & other institutions. • Promote animal production, animal health & the quality of the products of animals. 	Projects & Programmes <ul style="list-style-type: none"> • Farmer settlements • W Cape Agricultural Development Service project • Irrigation projects • Soil conservation projects • Land Care projects 	Environmental issues <ul style="list-style-type: none"> • Change of land use and associated impacts • Water and land pollution (fertilisers, pesticides/herbicides) • Waste • Loss of habitat and biodiversity • Sensitive environments • Over extraction of ground & surface water • Changes in soil properties (hydrological, structural) • Loss of agricultural land to urban development • Urban sprawl threatens/leads to loss of high potential agricultural soils • Sub-division of agricultural land and peri-urban development
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures <ul style="list-style-type: none"> • DWAF Western Cape Provincial Liaison Committee • Irrigation Action Committee 	Internal co-ordinating structures	Working arrangements DECAS MOU with national & provincial agriculture dept's on streamlining EIA applications iro agriculture related activities

3.5 DEPARTMENT OF ENVIRONMENTAL AND CULTURAL AFFAIRS AND SPORT

This Department seeks to preserve, extend and promote the natural and cultural heritage of the province, an information and reading culture, and to promote sport and recreation for the benefit, development, well-being and enjoyment of present and future generations.

This department's core functions are the:

- Integrated pollution and waste management
- Environmental impact management
- Nature conservation
- Cultural and museums services
- Heritage resource management
- Archive and library services
- Sport and recreation
- School sport

The Department consists of three Chief Directorates, namely Environmental Affairs, Cultural Affairs and Financial Management & Administration. The Directorate Sport & Recreation reports directly to the Head of Department. The Western Cape Nature Conservation Board is an independent organ of state that reports to the Minister of Environmental & Cultural Affairs.

3.5.1 Chief Directorate Environmental Affairs

The Chief Directorate consists of two Directorates, namely Environmental Management and Integrated Pollution & Waste Management.

Strategic Goal: Protect the environment in Western Cape for the benefit and well-being of present and future generations through measures that:

- Promote the conservation and sustainable use of natural resources
- Minimise pollution and waste
- Secure development that is sustainable, prevent ecological degradation and takes due consideration of adverse environmental impacts

The Chief Directorate's Key Measurable Objectives are:

- Facilitate & develop integrated environmental planning and policy, ensure environmental impact management and sustainable development, the administration of applicable environmental legislation, and develop and monitor bio-diversity conservation in the province
- Establish Environmental Commissioner
- Facilitate and develop co-operative management measures, mechanisms and decision-support systems to ensure integrated pollution and waste management, and develop and implement pollution prevention, waste minimization, cleaner production and recycling programmes, projects and initiatives
- Promote progressive realisation of environmental rights and public participation in environmental governance
- Prepare Western Cape First Edition Environmental Implementation Plan

Coastal Zone Management is currently not carried about by the chief directorate due to capacity constraints. The provincial coastal co-ordinator is located in the provincial planning department pending a functional analysis into the function.

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <ul style="list-style-type: none"> • The Constitution (Act 108 of 1996) • Environment Conservation Act, 1989 (Act No 73 of 1989) • EIA Regs (GNR 1182 & 1183), Sept 1997 • SCA Regs • National Environmental Management Act, 1998 (Act No 107 of 1998) <p>Other Applicable Legislation</p> <ul style="list-style-type: none"> • Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000) 	<p>Support/commenting role</p> <ul style="list-style-type: none"> • Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) • Minerals Act, 1991 (Act No. 50 of 1991) • Occupational Health & Safety Act, 1993 (Act No. 85 of 1993) • National Water Act, 1998 (Act No. 36 of 1998) • Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965) • National Heritage Resources Act, 1999 (Act No. 25 of 1999) • Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) • Sea Shore Act, 1935 (Act No. 21 of 1935) • Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974) 	<p>Policy frameworks</p> <ul style="list-style-type: none"> • <i>Off Road Vehicles Policy</i> • <i>General Environmental Policy, 1994 White Papers on:</i> • <i>Environmental Management Policy for SA</i> • <i>Integrated Pollution & Waste Management</i> • <i>Conservation & Sustainable Utilisation of Biodiversity</i> • <i>Sustainable Coastal Development International Conventions</i> <p>Provincial Guidelines Series</p> <ul style="list-style-type: none"> • You and Environmental management in the Western Cape • Orientation Manual Volume 1 & 2, January 2002 • Guideline Document: EIA Regulations • EIA Checklist for applicants • Guideline on the definition of Listed Activities • DECAS Standard construction phase EMP • Questionnaire on construction or up-grading of dams • Guideline for Communication Structures • Guideline for the EIA Public Participation Process • Guideline for Development in Sensitive Areas : Mountain areas • Guideline for “Plan of Study for Scoping” • Guideline for defining environmental sensitivity & significance of impacts • Draft MOU with DECAS, DWAF, Dept of Agriculture and WCNCB for agricultural applications • Internal appeal procedure manual • EIA Application procedure flow diagram (DEAT) • Compliance Monitoring and Enforcement <p>Planned Policies/G’lines/Manuals</p> <ul style="list-style-type: none"> • EIA Reg’s & NEMA resource pack for local government officials • EIA Review Manual • Oil industry compliance with environmental legislation guideline • Wind farm guideline • Heavy duty truckstops & ‘Petro Ports’ guideline • Development below 1: 50 & 1: 100 year flood line & wetlands policy • Setback for high water mark g’line • Advertising applications in EIA process policy • Review of spatial plans & IDP’s manual • Incorporation of environmental considerations in IDP’s guideline • EMPR review manual • EMP review manual & revision of model EMP guideline

		<ul style="list-style-type: none"> • Environmental Monitoring Committees guideline • Environmental Control Officer guideline & code of practice
<p>FUNCTION: Provide integrated environmental management service, administer and enforce relevant environmental legislation in Western Cape</p>		
<p>Priority functions</p> <p><i>Environmental Impact Management</i></p> <ul style="list-style-type: none"> • Facilitate & develop integrated environmental management planning • Prepare W Cape EIP • Co-ordinate State of Environment Report • Facilitate development of provincial environmental impact management legislation & policy • Ensure environmental impact management & sustainable development • Issue authorizations/exemptions/permits ito ECA • Implement NEMA • Evaluate applications ito LUPO, structure plans, spatial development frameworks & Environmental Management Programme Reports ito Minerals Act <p><i>Integrated Pollution & Waste Management</i></p> <ul style="list-style-type: none"> • Protect, enforce, guide & monitor pollution control and provide support to Environmental Impact Management regarding new developments • Develop & implement policies, legislation, strategies, action plans, norms, standards & guide-lines regarding waste management • Undertake a needs assessment that identifies those waste management issues to be addressed in the province, within the framework of the IP&WM. • Implement National Waste Management Strategy and Action Plans <p><i>Nature Conservation</i></p> <ul style="list-style-type: none"> • Support Minister iro statutory responsibilities re WCNCB • Facilitate bio-diversity policy & strategy development • Monitor bio-diversity conservation • Promote community-based natural resource management <p><i>Cross-cutting reporting functions</i> such as the compilation of socio-economic protocols for the SAHRC & Agenda 21 Performance Reports, are co-ordinated by the chief director</p> <p>Environmental functions that fall outside the provincial competency but have an impact on the W Cape environment</p> <ul style="list-style-type: none"> • Regulating & monitoring harvesting of marine resources & mariculture • Air pollution • Water pollution • Soil pollution 	<p>Projects & Programmes</p> <ul style="list-style-type: none"> • Integrated Environmental Management Capacity Building Programme (for local government, environmental consultants, NGO's & development/industry sectors) • Environmental Rights Training for senior managers Western Cape Provincial Government • Western Cape Clean-Up Operation (WECCO) • Driftsands Initiation & Environmental Education Project 	<p>Environmental issues</p> <ul style="list-style-type: none"> • Change of land use and associated impacts • Water, air and land pollution • Waste disposal & incineration • Tyre burning • Littering • Medical waste in landfill • Scavengers at landfill sites • Loss of habitat and biodiversity • Impacts on sensitive environments • Destruction of sensitive environments by 4x4 routes • Loss of 'sense of place' & unique cultural landscape • Visual impacts • Recycling & waste minimization • Physical scarring of landscapes due to mining • Diamond mining along West Coast & in proposed Knersvlakte Biosphere Reserve • Sand mining • Quarries & burrow pits • Rehabilitation of mines • Conflicts over access to & use of natural resources • Conflicts between development pressures/needs and community concerns • Environmental regulation considered obstacle to development • Mariculture not included in planning frameworks and there is no national policy or guidelines for mariculture zones — see DEAT EMP • Marine pollution & disasters due to sinking of ships/oil rigs • Off-shore mining • Fragmented legislation & institutional arrangements and lack of co-ordination • Uncertainty about assignment of functions • Maintenance of sustainable livelihoods • Over extraction of ground & surface water

INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
<p>External co-ordinating structures</p> <ul style="list-style-type: none"> • MINMEC • MINMEC Technical Committee & Working Groups • Committee for Environmental Co-ordination & Sub-committees • Inter-departmental Environmental Liaison Committee (IELC) — inter-departmental co-ordinating structure on policy & strategic matters consisting of representatives of provincial dept's of environment, planning, heritage, agriculture and regional offices of national dept's of water affairs, minerals & agriculture) • Saldanha Steel Environmental Monitoring Committee • West Coast Environmental Monitoring Committee • EIA Reg's Forum (DECAS & City of Cape Town) • Various forums for municipal officers such as the forum for town planners, chief executive officers, IDP forums • Catchment Management Forums etc 	<p>Internal co-ordinating structures</p> <ul style="list-style-type: none"> • DECAS/WCNCB Liaison committee • EIA & Planning Applications Forum (officials of provincial environment & planning dept) • Ministers of Environmental & Cultural Affairs and of Planning Local Government & Housing meet regularly 	<p>Working arrangements</p> <ul style="list-style-type: none"> • DECAS / WCNCB Memorandum of Understanding • DECAS MOU with national & provincial agriculture dept's on streamlining EIA applications iro agriculture related activities • According to Constitution waste management functions are to be devolved to lowest possible gov't sphere. Within 5 years Province will take over waste disposal site permitting function from DWAF • Responsibility for hazardous waste management (including health care waste) is a provincial competency. Co-operation & input from local gov't is promoted. • Wide consultation with DWAF, DOH, Local Authorities, DME • MOU iro streamlining EIA process with: <i>Agriculture</i> (provincial & national); <i>Eskom, Oil industries, Telecommunications sector, Housing & Local Gov't</i> (provincial) iro CMIP funded projects

3.5.2 Western Cape Nature Conservation Board

The Board was established in terms of the Western Cape Nature Conservation Board Act in 1999 and officially came into effect on 1 April 2000.

Strategic Objective Conserve the Western Cape's unique natural heritage in partnership with all its people, for the welfare, advantage and enjoyment of present and future generations.

MANDATES (Governing laws & policy frameworks)		
<p>Legislation administered</p> <ul style="list-style-type: none"> • Western Cape Nature Conservation Board Act, Act 15 of 1998 • The Western Cape Nature Conservation Laws Amendment Act of 2000 • National Forests Act, Act 84 of 1998 • World Heritage Convention Act, Act 49 of 1999 • National Veld and Forest Fire Act, Act 101 of 1998 • Mountain Catchment Areas Act, Act 63 of 1970 • Sea Bird and Seal Protection Act, Act 46 of 1973 • Animals Protection Act, Act 71 of 1962 • Performing Animals Protection Act, Act 24 of 1935 • Game Theft Act, Act 105 of 1991 • Endangered Species Draft Bill • Sea-shore Act, Act 21 of 1935 	<p>Support/commenting role</p> <ul style="list-style-type: none"> • ECA, Act 73 of 1989 • NEMA, Act 107 of 1998 • The Agricultural Resource Conservation Act, Act 43 of 1983 • The National Water Act, Act 36 of 1998 • Tourism Amendment Act • Marine Living Resources Act, Act 18 of 1998 • National Parks Act, Act 57 of 1976 • The Minerals Act, Act 50 of 1991 (Mineral Development Draft Bill 2000) • The Western Cape Development and Planning Act, Act 7 of 1999 (Bioregional Planning) • National Heritage Resource Act 	<p>Policy framework</p> <ul style="list-style-type: none"> • <i>Conservation & Sustainable Utilisation of Biodiversity</i> • <i>Sustainable Coastal Development</i> • <i>Off Road Vehicles</i>

<p>FUNCTION: Nature conservation</p>		
<p>Priority functions</p> <ul style="list-style-type: none"> • Prevent unnatural extinctions of any species indigenous to the Western Cape. • Establish & manage reserves representative of each ecological region of the Western Cape. • Communicate value of the natural environment & the necessity of conservation • Promote the sustainable utilisation of natural resources. • Provide scientific services to support conservation programs. • Provide visitor facilities & services in nature reserves. • Formulate & apply legislation to ensure the conservation of the Western Cape's natural heritage. • Evaluate development proposals to ensure that environmental quality is maintained. • Conserve sites of cultural-historical significance in reserves. 	<p>Projects & Programmes</p> <ul style="list-style-type: none"> • Environmental Education • Working for Water • SOB Programme (State of Biodiversity) • GIS Programme • Numerous Monitoring and Research Programmes 	<p>Environmental issues</p> <ul style="list-style-type: none"> • Diamond mining along West Coast & in proposed Knersvlakte Biosphere Reserve • Loss of habitat & biodiversity particularly in lowlands • Impacts of development & agriculture on sensitive environments & habitats • Over extraction of ground & surface water • Destruction of sensitive environments (beaches & mountainous areas) by 4x4 routes • Conflicts over access to & use of natural resources • Marine pollution & disasters due to sinking of ships/oil rigs • Fragmented legislation & institutional arrangements and lack of co-ordination • Administration of international conventions & lack of expertise at national level • Wetlands threatened by development/ agriculture impacts • Coastline & coastal resources threatened by development & tourism pressure • Biosphere reserves threatened by ownership & effective management is problematic • Introduction of exotic animals for game ranging & hunting and resultant mixing of genetic material • Translocation of indigenous animals outside natural distribution ranges and resultant mixing of genetic material • Introduction of exotic animals for aquaculture and resultant escapees
<p>INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)</p>		
<p>External co-ordinating structures</p> <ul style="list-style-type: none"> • MINTECH Working Group 1 • DEAT • CAPE Steering Committee • National Hunting Committee • IUCN Specialist Groups • Interprovincial Problem Animal Damage Control Committee • Council for the Environment • Etc 	<p>Internal co-ordinating structures</p> <ul style="list-style-type: none"> • DECAS/WCNCB Liaison Committee • CAPE Projects (CPU, etc) • etc 	<p>Working arrangements</p> <ul style="list-style-type: none"> • DECAS/WCNCB Memorandum of Understanding • CAPE agreement • Biota MOU (Biodiversity Monitoring Transect Analysis in Africa) • Rhino and Crane other Working Groups • WCNCB/Tertiary Education Institutes • WCNCB/Research Institutes • Kumleben Committee (Institutional Arrangements Investigation: Findings & Recommendations) • etc

3.5.3 Directorate Culture & Heritage

The Chief Directorate consists of two Directorates, namely **Cultural & Heritage Services** and Library & Archives Services. Only the heritage resource management service component will be evaluated in this EIP.

Strategic Goal: Promote culture, conserve and manage the cultural, historical assets and resources of the province. The provincial heritage resource management focuses on providing guidance to local authorities and owners of provincial heritage resources on the sustainable utilization of existing heritage resources in social reform, economic growth and job creation in cultural and heritage tourism.

The Directorate's mandates, priority functions, associated environmental issues and institutional arrangements are summarized in the table below:

MANDATES (Governing laws & policy frameworks)		
Legislation administered National Heritage Resources Act, Act 25 of 1999	Support/commenting role	Policy Frameworks
FUNCTION: Promote, conserve & manage the cultural, historical assets and resources of W Cape		
Priority functions <ul style="list-style-type: none"> • Support heritage resource management in the province • Promote cultural tourism & development in rural heritage settlements • Conduct audit of provincial heritage resources • Identify new sites to be considered for formal recognition as provincial heritage sites 	Projects & Programmes Mission settlements project Craft development project	Environmental issues <ul style="list-style-type: none"> • Loss/destruction of heritage sites & structures • Visual impacts • Loss of cultural landscapes
INSTITUTIONAL ARRANGEMENTS (Co-operative governance mechanisms & procedures)		
External co-ordinating structures <ul style="list-style-type: none"> • MINMEC • MINMEC Technical Committees • IELC 	Internal co-ordinating structures	Working Arrangements

Summary Table of Co-ordinating Structures in Western Cape

For ease of reference and greater clarity the key existing inter-departmental co-ordinating structures for environmental governance in the Western Cape are summarized in the table below. The table includes only information on co-ordinating structures in respect of the key functions that impact on the environment. Detailed information on the mandates and functions is not repeated in this table as it has already been described in the preceding sections. The table includes only those structures that are operational. Proposed structures such as the Tourism Forum, Coastal Working Group and MAB Committee have consequently not been included in this table.

SECTOR	STRUCTURE	LEAD AGENT	REPRESENTATION	TOR
Co-operative governance	PCP	Office of DG	All provincial dept's & regional offices of selected national dept's	Planning co-ordination Develop Provincial Strategic Plan, co-ordinate & monitor its implementation
Health	Pollution Control Co-ordination Committee			
	Municipal Environmental Health Working Group			
Planning	Planning Advisory Board	Land Development Management	Planning, land survey, architectural, legal & environmental experts	Advise MEC on development applications
	(Planning Review Board)	Land Development Management	Planning, land survey, architectural, legal & environmental experts	Still to be finalized
Local government	Development Municipal Managers Forum		Provincial dept's & Municipal Managers	
Housing	W Cape Housing Development Board	Housing	Housing communities, qualifying beneficiaries, NGO's, CBO's & municipalities	Advise MEC on development application, facilitation, co-ordination, monitoring of implementation of housing developments
Economy	Economic Development Committee & Task Teams	Business Promotion	Provincial dept's & parastatals	Planning co-ordination & implementation of economic white papers
Environment	Inter-department Environment Liaison Committee (IELC)	Environmental Impact Management	Provincial dept's & regional offices of national dept's whose functions impact on environment (eg DME, DWAF)	Inter-departmental policy integration & co-ordination, streamline procedures & investigate 'one stop shop' ito NEMA, co-ordinate environment & planning law reform
	DECAS/WCNCB Liaison Committee		DECAS/WCNCB	Bilateral co-ordination & co-operation
	EIA & Planning Forum		DECAS, Agriculture & Development Planning	Co-ordinate & integrate decision-making on applications
	EIA Reg's Forum		DECAS & Unicity environment components	Co-ordinate EIA matters with Unicity
	Saldanha Steel & West Coast Env. Monitoring Committee	DECAS	DECAS & affected provincial & national dept's, industry & experts	Monitor Saldanha Steel & major industrial development & West Coast & advise MEC
	Thesen's Island Env. Monitoring Committee	DEAT	DEAT, SANParks, DECAS, provincial planning dept, affected local authority, NGO & developer	Monitor compliance with EIA authorization conditions
Transport	Planning Co-ordination Committee & task groups	Transport		
Water	DWAF PLC	DWAF	DWAF & affected national & provincial dept's & parastatals	Inter-departmental co-ordination & co-operation on water-related activities
Mining	Environment Mining Forum	DME	DME & affected provincial dept's & parastatals	Inter-departmental co-ordination & co-operation on mining & environment activities

4.0 NEMA PRINCIPLES

This chapter describes how the NEMA principles were used to evaluate compliance of key performance areas/policies, plans, programmes and projects of the Western Cape Provincial Government. Compliance with the NEMA principles was assessed against the background of the Western Cape Provincial Government's mandates and policy and legislative frameworks. The First Edition EIP does not indicate extent of compliance of the respective policy, plan, programme and project with every principle in NEMA. Instead it indicates compliance with the principle or cluster of principles that are most relevant and closely linked to the priority functions executed by the Western Cape Province and to the overarching strategic policy framework in the Province.

Furthermore, the Western Cape Provincial Government is not able to report on the quantitative level of compliance with NEMA principles at this stage. Quantitative measurement will only be possible once a State of the Western Cape Environment Report has been compiled and sustainable development indicators have been developed and agreed to by all the relevant departments in the provincial government and regional offices of national departments in the Province. The Western Cape Provincial Government recognises that evaluating and improving compliance with the NEMA principles is an ongoing process. For this reason various actions and activities, that specifically address the issue of continual improvement in ensuring and measuring compliance, have been identified and prioritised in the Programme for Implementation and Monitoring of the EIP.

Compliance with the NEMA principles of priority policies, plans, programs and projects in the Western Cape Province, is measured against the following principle or cluster of principles. The relevant sub-section in NEMA is given in brackets for easy reference purposes.

4.1 Needs of people are of primary concern {Section 2(2)}

Environmental management should place people at the forefront of its concern. Physical development and cultural and social interests should be dealt with equitably.

4.2 Development should be sustainable {Section 2(3) & (4) (a)}

Sustainable Development refers to social, environmental and economic sustainability. Particular attention is given to:

- Protection of ecosystems and biodiversity
- Minimising landscape and cultural heritage sites disturbance
- Minimising waste, pollution and degradation of the environment through re-use and recycling
- Responsible use of non-renewable resources
- (Environmental) Risk aversion and the exercise of caution
- Anticipation and prevention of negative impacts

4.3 Integrate environmental management {Section 2 (4) (b), (i) & (l)}

Acknowledge that all elements of the environment are linked, assess social, economic and environmental impacts of activities and examine the effects of decisions on environment and people.

4.4 Pursue environmental justice {Section 2 (4) (c) & (d)}

Avoid adverse environmental impacts discriminating against any person and equitable access to environmental resources.

4.5 Promote environmental health {Section 2 (4) (e)}

Ensure that environmental health and safety consequences of a decision are taken into consideration.

4.6 Promote community well-being and participation {Section 2 (4) (f), (h) & (q)}

Raise environmental awareness, share knowledge and experiences. Recognise the role of women and youth and promote participation of I&AP's in environmental governance.

4.7 Promote socio-environmental sensitivity {Section 2 (4) (p) & (r)}

Costs of remedial action caused by degradation should be borne by groups responsible for it. Pay attention to specific management requirements of stressed and highly sensitive ecosystems.

4.8 Discharge international responsibilities {Section 2 (4) (n)}

Implement international agreements to which South Africa is a signatory, such as Local Agenda 21 programmes.

The next section of the EIP, chapters Five to Twelve, attempts to evaluate compliance of priority policies, plans, projects and programs with each of the above selected NEMA principles. Each chapter deals with a specific principle/cluster of principles. It identifies which departments must apply the principle when exercising functions or taking decisions that may significantly affect the environment. The chapter lists the provincial strategic objectives that are linked to the respective principle. This is followed by an overview of the extent to which the principle is complied with by affected departments in exercising priority functions, decision-making and executing policies, plans programmes.

Information on compliance and lack of compliance with national environmental norms and standards is included in these chapters. It should however be pointed out that, at the time of compiling this First Edition EIP, there was no system in place in the Province to monitor compliance with environmental norms and standards. This lack has been addressed in the recommendations for implementation and monitoring in the last chapter (refer 14.2.1). It is identified as a short to medium term action to be implemented within the 2002/03 to 2004/05 MTEF period.

5.0 NEEDS OF PEOPLE ARE OF PRIMARY CONCERN

5.1 Departments must apply the principle when exercising functions or taking decisions:

- Local Government
- Cultural Affairs
- Development Planning
- Environmental Affairs
- Agriculture

5.2 Extent to which this principle is complied with in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To fight HIV/AIDS and other diseases in a co-ordinated and comprehensive manner*
- *To deracialise and integrate all state financed institutions*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- *To contain and eradicate crime through good intergovernmental co-operation*
- *To nurture our diversity and promote our various cultures, religions and languages*
- Although this principle cuts across the roles and functions of most departments, there are some departments that have specific responsibilities in this regard. For example, Agriculture has one of its main tasks the establishment of food security. The interpretation of this mandate has ensured that the

Department takes a leading role in ensuring that sound conservation practices are practiced and that animal health is kept in check. At the same time, training on these matters is being provided to prospective farmers, advisors, farm managers and technicians in formal training sessions. Non-formal training is provided to beneficiaries of land reform, farm workers and other interested groups. However, the approach in the Department has led to an emphasis on yields and increased agricultural production to the exclusion of testing alternative farming methods such as permaculture and organic farming, especially since demand for these methods are limited. It is anticipated that there will be an increase in demand for knowledge on alternative farming methods.

- A similar approach drives the management of development decisions in Development Planning. At times inappropriate developments are approved because of the need to encourage investment or to meet development targets. An example of such developments is the low cost housing delivery programme that is producing urban environments that are not responding positively to social and locational interests. By providing only housing and little else by way of social and economic opportunities, the Provincial Government is contributing towards a situation where, in the process of meeting a need, a range of other primary needs is being ignored or undermined. It is also adding further strain on other services such as health and contributing towards social and environmental degradation. Unfortunately, these problems are mainly the products of the national housing policy that is based on the capital subsidy. This, and the fact that the national housing budget is not linked to other national budgets, makes it difficult for provinces to make provision for funding in housing developments for related aspects. The possibility of related departments such Education and Health requesting the national housing policy makers to assist in rectifying the situation is being examined. One aspect of the policy that should be reviewed is the requirement to use housing funds for housing and housing infrastructure only.
- Similarly, the process of decision-making regarding environmental issues within the Provincial Government can cause delays that limit the provision of opportunities. Many of these types of actions result in the Provincial Government facing criticism from a wide range of groups for not acting in their environmental or developmental interests. To deal with the kind of problems that are being experienced, the possibility of a dialogue process that brings together a wide range of divergent interests is being investigated. If successful, this process could be one that guides future decision-making on environmental issues.
- One of the obligations imposed upon the provincial government by the Constitution is the progressive realisation of environmental rights and public participation in environmental governance. To this end, the Province's environment department enforces the statutory obligations of informed decision-making, participation and duty of care in ECA, the EIA Regulations and NEMA. The DECAS is also involved with the national poverty relief programme, especially in the fields of tourism infrastructure development, tourism product development and waste recycling.
- Even though disaster management is considered to be a local authority function in terms of the national Constitution, the Province has to undertake this task because the Disaster Management Act makes provision for national and provincial disaster management. In doing so, it deals with a range of emergency response issues including natural and as well as man-made disasters. It is anticipated that this function will be devolved to local authorities once the local government restructuring process is completed. Disaster Risk Management is increasingly becoming an important issue. The University of Cape Town's Department of Environmental and Geographical Sciences has secured USAID Funding for the Disaster Mitigation for Sustainable Livelihoods Project. The aim is to capture and analyse disaster information from Latin America and compare it to South African conditions. The overall aim is to empower stakeholders by means of an information system so that they become effectively involved in disaster risk management. This approach is consistent with the White Paper dealing with disaster management.
- The importance with which disaster management is being approached can be gauged by the fact that attempts are being made to include disaster risk management in local IDP's, the formulation of which, the Provincial Government oversees.

- The Chief Directorate Cultural Affairs has an established programme of youth development, especially leadership training. An important aspect of the programme is the use of the Province's natural and historical assets as venues where the values of appreciating nature and people are developed.

6.0 DEVELOPMENT SHOULD BE SUSTAINABLE

6.1 Departments directly concerned with this principle:

- Development Planning
- Environment Affairs
- Economic Affairs
- Local government
- Housing
- Agriculture

6.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- *To nurture our diversity and promote our various cultures, religions and languages*

Sustainable development in this context refers to the ecologically sound use of resources, rather than a complete re-evaluation in the way in which economic development and growth is approached. NEMA does not make sustainable development a single measurable goal to be worked towards, but mentions ecological, social and cultural sustainability. As a result, the work done in the Province towards sustainable development is determined by the definition provided in Section 4 above. The single most important initiative taken by the provincial government to date in ensuring compliance with this NEMA principle, has been its *White paper on Preparing the Western Cape for the Knowledge Economy of the 21st Century*. This white paper specifically endorses the sustainable development and is in line with national norms set out in the 1998 *White Paper on Environmental Management Policy* and NEMA. The provincial white paper acknowledges the importance of demonstrating the province's reputation as an environmentally conscious economy in order to become a globally competitive producer and exporter. It emphasises the need to ensure environmentally clean and safe production and energy supply in order to become a globally competitive producer and exporter and to ensure the Province's future as a tourist destination for environmentally conscious travellers.

6.2.1 Protection of ecosystems and biodiversity

- There is no cross-cutting proactive mechanism in place to deal with sustainable development issues, particularly the protection of ecosystems and biodiversity or the minimising of landscape and heritage site disturbance. Most work undertaken within the Provincial Government is in reaction to development applications, or initiatives taken by other spheres of government. Consequently, the major tasks are limited to the evaluation of applications in terms of EIA Regulations, the Land Use Planning Ordinance

and national legislation affecting development and settlement planning. The absence of a coherent ecosystem and bio-diversity management and regulatory framework contributes towards this problem.

- To deal with this problem, the provincial government participated in the process to co-ordinate the development of a Provincial Strategy or Action Plan for implementing the Convention on Biological Diversity (through the CAPE Project). This process has been completed and the emphasis is currently on its implementation. Another strategy being used to address the protection of ecosystems and biodiversity is to prepare appropriate planning policies such as the Provincial Spatial Development Framework which will be based on the Bioregional approach to planning and development. The tourism potential and products associated with biodiversity management are presently being explained to the tourism industry.
- It is intended that the CAPE Project, which has completed an extensive analysis of the threats to biodiversity, will contribute towards a new management and regulatory framework for biodiversity protection. It is also intended that sound ecological data and decision-making tools from the CAPE Project will support integrated development planning and the application of bioregional planning principles.
- The Provincial Government has adopted bioregional planning principles as the tool to guide decision-making and planning and to promote sustainable development at the Provincial level, especially in the preparation of the Provincial Spatial Development Framework. The management of the sustainable use of resources is enhanced through the Provincial Government's involvement in:
 - Attempts to improve the environmental aspects of IDP's
 - The preparation of SDF's
 - Implementation and maintenance of national and provincial environmental policies and strategies
 - Attempts are also being made to improve environmental awareness through establishing Land Care Committees, the promotion of Local Agenda 21 initiatives and the establishment and maintenance of a MAB Committee

Other initiatives towards sustainable development include policy documents (some still in draft format) on farm worker settlement, coastal zone management, urban settlement, rural development and tourism promotion.

- Large amounts of resources are allocated to the promotion of soil conservation techniques and effective farming methods that do not impact on nature areas.
- It is envisaged that the SAHRA provisions and associated Regulations that regulate the cultural heritage environment, will contribute towards improved conservation. While it is still the intention to ensure that sites are protected, a dedicated programme to enable this is not yet in place.
- The Province's white paper on knowledge economy specifically endorses the sustainable use and development of non-renewable resources as a major economic asset, in line with national norms set out in the 1998 *White Paper on Environmental Management Policy* and NEMA. The provincial white paper acknowledges the importance of ensuring environmental conservation whilst at the same time maximising the Province's growth and development potential. It advocates the development of the economic potential of the natural environment in a responsible and sustainable way. Particular emphasis is placed on tourism development and enabling previously disadvantaged local communities to actively participate in, and benefit from, the economic opportunities provided by environmental conservation and management.

6.2.2 Minimising landscape and heritage disturbance

- Although the Western Cape Province is one of the leaders in heritage site conservation in South Africa, there are many sites that have been identified which cannot be protected because of limited resources, especially since many of these sites are on land that is in private ownership. The provisions contained

within SAHRA could be used to establish the appropriate regulations to deal with privately owned heritage sites.

- The introduction of the mandatory registration of all tourism businesses seeks to ensure adherence to minimum standards, including potential negative impacts on environment. This tourism function is executed in partnership with the tourism industry, SABS, WCTB and communities and must ensure compliance of tourism infra-structure and product development with the EIA Regulations and NEMA principles.
- Another tourism initiative promotes SMME growth and addresses human resource and skills development. The focus is on encouraging tourism-minded communities who understand that tourists limit their visits to destinations that are environmentally clean and friendly. This initiative involves partnership with the DBSA, WCTB, DECAS, THETA and DEAT.

6.2.3 Waste minimisation, Pollution, Recycling

- The Province has a plan to ensure integrated pollution and waste management in accordance with the priorities of the National Waste Management System (NWMS). For this purpose a dedicated Directorate Pollution and Waste Management was established towards late 2000 and the Premier has included a clean up campaign as one of the five priorities in his Opening Address to Parliament this year. However, the implementation of the NWMS is limited by the lack of clarity and distinction of roles between the various spheres of government and limited financial and human resources. One of the major provincial initiatives in the waste field has been the commission and completion of a report on waste management in the Western Cape. This report is considered to be the first step in meeting the requirement of developing integrated waste management plans as spelt out in the NWMS. The focus of the clean up campaign is on 'improving the physical environment' in which the citizens of this Province live. The Directorate Pollution and Waste Management envisages the following outputs for this campaign local government capacity building on integrated waste management, recycling projects, a medical waste management pilot study, the development of a waste information management system and a waste system manifest system, the compilation of integrated hazardous waste management plans, establishment of waste minimisation clubs, and the implementation of urban and rural renewal projects. Minimising waste and the promotion of re-cycling and re-use is an area in which the Province has until now not fulfilled any meaningful role or performed well. Solid waste and effluent management are local competencies that the Provincial Government has little control over. Insufficient progress has been made to establish co-operative arrangements with local authorities to deal with this, and it has resulted in huge pollution and waste problems not being quantified or discovered too late. The recent incident involving the transportation and importation of hazardous waste from the Eastern Cape for disposal at the Vissershok hazardous waste site near Cape Town is testimony to inadequate inter-governmental co-ordination and communication in respect of waste matters. Government departments in all three spheres are, however, in the process of initiating mechanisms and measures that will improve co-ordination, lead to greater synergy of administrative processes and promote integrated and co-ordinated decision-making. This has already started happening in the area of interface between impact assessment and pollution and waste management. The relevant authorities meet regularly to discuss matters of common interest and agree on co-operative action. One of the initiatives currently being considered to improve inter-governmental co-ordination is the introduction of the DWAF's Environmental Evaluation System along the lines of that developed and implemented in the Eastern Cape province. A notable exception is medical waste management which is high on the Province's agenda.
- There has been mixed success in dealing with pollution. At one level, short term, emergency responses to issues such as oil spills, fires or toxic waste is well organised and can respond at relatively short notice. However at another level, pollution caused through externalities such as excessive private car use, or pesticide applications has not been successfully challenged.
- The Province is working towards identifying opportunities for recycling and waste management as part of its local economic development programme. For example there is a close working relationship with DEAT with regard to the further regulation of the plastic bags industry, which is currently gaining

momentum. Effective water resource management and sustainable soil utilisation is a service being provided as part of the agricultural extension services. Another example is the requirement to recycle packaging material in the liquor policy green paper.

6.2.4 Responsible Use of Non-renewable Resources

- The Province's white paper on knowledge economy specifically endorses the sustainable use and development of non-renewable resources in line with national norms set out in the 1998 *White Paper on Environmental Management Policy* and NEMA. The provincial white paper acknowledges the importance of demonstrating the province's reputation as an environmentally conscious economy in order to become a globally competitive producer and exporter. There is a mix of successful initiatives and unsuccessful initiatives in place that encourage projects under the control of the Provincial Government to use non-renewable resources responsibly, such as the contractual measures compelling roads contractors to adhere to the EIA process generally; and the digging of gravel pits specifically. However, there does not appear to be a similar approach in the housing delivery process with regard to conservation devices, alternative building methods or conservation design.
- The Agricultural Department aims to reduce agricultural water resource use by 10% over the next five years. Research into more efficient forms of irrigation is being done as part of the extension services being offered. There seems to be a reluctance amongst farmers, however, to introduce new irrigation methods because capital costs are perceived to be too high.
- Although the Provincial Government has not formally opposed the pebble bed modular reactor proposed by ESKOM, it strongly believes that other forms of energy sources should also be explored. The Province's white paper on knowledge economy recognises the importance of ensuring environmentally clean and safe energy supply. To this effect it has aligned provincial energy policy with the norms set in the 1998 *White Paper on Environmental Management Policy* and supports the development of alternative energy sources such as solar and wind power. In this regard, it is working closely with the KUDU Gas project as an environmentally sensitive form of energy to transform the energy base of the Province from coal-based and nuclear to thermally efficient and clean gas-fired power.

6.2.5 Risk Aversion, Anticipation and Prevention of Negative Impacts service

- Physical infrastructure to mainly low-cost housing is provided through the CMIP initiative. Until recently, local authorities applying for such funds were not required to deal with the environmental impacts of the provision of such infrastructure. However, it is now a requirement that each applicant undertakes an EIA as part of the funding application process. Those applications with high environmental impacts are required to provide details on mitigating measures to be taken.
- The problems being experienced in this regard, however, are that there are too few officials available to ensure compliance or which have the skills to identify problems. An early warning system that alerts officials to the problems in the initial stages as well as to control the flow of funds based on compliance is being investigated.
- The possibility of a forum incorporating officials, civil society representative and other interested and affected parties is being investigated. It is likely that this forum could assist in the generation of minimum standards for the Province on a wide range of sustainability issues including waste management, disaster management and IEM.

7.0 INTEGRATED ENVIRONMENTAL MANAGEMENT

7.1 Departments directly concerned with this principle:

- Environmental Affairs
- Development Planning

- Cultural Affairs
- Agriculture
- Transport
- Housing

7.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget*
- *To deracialise and integrate all state financed institutions*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*

7.2.1 Overview of the implementation of IEM in the Western Cape

- Integrated environmental management is primarily the responsibility of the Department of Environmental and Cultural Affairs and Sport. The Department has had mixed success with the implementation of this principle. It has been successful in ensuring that land use developments are consistent with national norms in established environmental legislation and the EIA Regulations. In particular, the following initiatives provide the Province a solid basis with which to ensure that planning and development within the Provincial Government and the Western Cape Province as a whole follows a more integrated path. Some of these initiatives include:
 - The adoption of the Bioregional approach to development planning as an environmental management tool by Development Planning
 - The potential use of the National Department of Environment Affairs' ENPAT (GIS) system as a screening, decision-support tool for evaluating policy and developmental impacts by DECAS
 - The establishment of the Inter-departmental Environment Liaison Committee (IELC). This inter-departmental committee was established and is chaired by the Director Environmental Management specifically to give effect to this principle and the obligation in NEMA to eradicate duplication of effort. The committee consists of senior managers in provincial and national departments. Its purpose is to ensure co-ordination, streamlining, synchronisation and integration at strategic and policy level.
 - Establishing an authorities forum to assist the flow of environmental information between the Province and local authorities
 - The investigation into the establishment of a "one stop shop" that will assist in managing development applications and tracking their progress in the system. This is the subject of high level discussions between the DECAS and DPLGH on aligning and integrating the EIA and planning processes and on co-ordinating and integrating decision-making. This has resulted in the compilation of a discussion document and regular meetings at ministerial level.
 - The bringing together of EIA and planning evaluations mechanisms and systems in the Planning and Development Act Regulations
 - Establishing an internal communications mechanism to facilitate integrated development planning and integrated land development management

- However, there are a number of problems that limit integrated environmental management and still need to be addressed or finalised. In particular, these are:
 - The need to explore the link between regional economic policies and regional environmental planning
 - The fragmentation of Development Planning and Environmental Affairs has resulted in the two departments being answerable to two different ministers, giving rise to the possibility that each one may provide conflicting decisions on the same application
 - The demand driven approach to housing delivery is resulting in important aspects such as environmental health, social services provision and impact management being relegated to the position as unnecessarily burdensome aspects that could delay housing delivery. This further highlights the lack of integrated or linked budgeting to facilitate integration
 - The requirements of the National Heritage Resources Act (NHRA) fragments, rather than integrates, environmental management by requiring heritage impact assessment. This places additional burdens on both the development profession and the Provincial Government. Furthermore the heritage assessment provisions in section 38 of NHRA do not comply with section 24(7) of NEMA. This leads to confusion and tensions between the heritage and environmental authorities.
 - The absence of directives from the National Department of Housing on how to approach or deal with EIA's in low-cost housing projects. This problem appears to be addressed through the national Department of Housing's EIP.
 - The provision in the land restitution process that enables the National Department of Land Affairs to establish settlements without consulting local authorities. Many of these settlements are in inappropriate locations that means they will require additional local resources to be sustainable.
 - The legacy of the Subdivision of Agricultural Land Act requires comment from both the National and the Provincial departments of Agriculture. The problem arises when the two authorities make conflicting comments. The extent to which these decisions comply with the NEMA principles is also questionable. To date, however, these decisions have not been tested in court.
 - The slow rate at which applications are evaluated within the Administration due to capacity constraints in the Directorate Environmental Management. In addition, the fact that the EIA Regulations do not currently make provision for 'class screening' is hampering the CMIP funding process and infrastructure provision in the Province.
 - Even when EIA's are done for CMIP projects, the absence of trained and sufficient staff to monitor them, is a problem
 - The weaknesses within the PDA that potentially enables large developments to be approved by local authorities without the knowledge of Provincial officials

7.2.2 Overview of implementation of EIA Regulations in the Western Cape

- The implementation of the EIA Regulations offers opportunity to promote this principle and serves to hamper its achievement. For example, the process of appeal against decisions of the competent authority (i.e the Director Environmental Management) is flawed. In the initial stages of implementation of the EIA Regulations in the Province, the same case officer (or mind) that recommended authorisation or refusal of an application, also informed or advised the minister on the evaluation of the appeal. The Directorate Environmental Management has, however, recently introduced extensive administrative reforms to address the problem of 'referee-player' in respect of considering appeals. Appeals are no longer dealt with by the same officer that originally considered the application, but by another official of a more senior level. Secondly, submissions to the Minister no longer include recommendations as to whether or not he/she should uphold or reject the appeal. Instead, the submission focuses on providing factual reasons for the Directorate's decisions, actions or inaction as the case may be. Furthermore, the implications of various decisions are spelt out and it is left to the Minister to apply his/her mind. Consideration is also being given to introduce appeal hearings to allow appellants and interested and affected parties to make representations to the Minister.
- The EIA Regulations have a number of flaws and loopholes that seriously hamper the efficient and

effective administration, application and interpretation of the Regulations. The single most serious flaw is that the Regulations are written in an ambiguous way which makes interpretation and decision-making difficult and results in inconsistencies and delays. This in turn leads to the Regulations sometimes being ignored or incorrectly applied that invariably results in legal action, by either the applicant or I&AP's, against the DECAS. Other flaws and loopholes include:

- No explicit provision for spot fines
 - Emphasis on the identification of prohibited activities and not also on the identification of 'no go' sensitive areas
 - The list of activities and 'development scale' are not defined at all
 - Emphasis on a re-active approach rather than proactively facilitating a 'cradle-to-grave' approach that address the entire spectrum of environmental management elements and tools that includes Environmental Management Systems, Environmental Co-operation Agreements, Environmental Auditing, Environmental Performance Monitoring and Market-based instruments (both as an incentive and disincentive)
 - Social impacts are often neglected
 - Responsibilities of the applicant and independent consultant do not sufficiently emphasise accountability
 - Independence of consultants
 - Processes are sometimes run by individuals who are not sensitive to environmental justice issues
 - No clear provision is made to assess impacts of economic risks associated with the development
- If these Regulations are to be challenged in court or declared unconstitutional, it could seriously impact on the Provincial Government's ability to ensure sustainable environmental management by developers. Concomitantly, the absence of appropriate regulations could hamper development because officials will not have a framework within which to evaluate applications that are received at a rate of 20 to 40 every week. Environmental decision-making is, therefore, becoming increasingly complex, especially since a mechanism for tracking these applications is not yet in place. This problem is compounded by the fact that the PDA Regulations have yet to be revised and then submitted to the CEC for approval. The Provincial Government is presently reviewing sections of the PDA Regulations before submitting them to the CEC for approval. Once these are approved, they will contribute towards providing a single and coherent set of planning regulations in the province.
 - **The Directorate Environmental Management has embarked upon an extensive service delivery improvement programme to ensure increased efficiency and effectiveness in administering and enforcing the EIA and NEMA, and in ensuring compliance with the NEMA principles, objectives of integrated environmental management as spelt out in chapter 5 of NEMA and the minimum requirements for EIA's in section 24(7) of NEMA. To this effect the Directorate has introduced the following initiatives:**
 - **a capacity building programme on ECA, the EIA Regulations and NEMA for local government, environmental consultants and selected development and industry sectors**
 - **administrative and procedural improvements that include a revision of the Record of Decision format.**
 - A significant problem impacting on the effectiveness of the EIA Regulations is the debate on the accreditation of environmental practitioners. While the national accreditation process is likely to deal with this matter in the longer term, in the short term, the possibility of establishing a network of environmental practitioners who are appropriately qualified and competent to assess development impacts is being investigated. The main challenge is to determine who may or may not be accredited environmental practitioners.
 - The problems associated with complying with the IEM principle rest mainly with DEAT as the body responsible for the legislative reform in respect of the EIA Regulations. The law reform process has to

deal with the deficiencies and anomalies in the EIA Regulations to ensure that they meet the requirements of section 24 of NEMA.

- From a tourism perspective, there has been limited practical success in achieving integrated environmental management because the focus has been on promoting the concept, rather than protecting the basis, of tourism opportunities. An assessment has shown that while efforts are being made to sensitise the tourism industry to the importance of the environment and the need for conservation, there are major areas of concern. Most efforts have been focussed on correcting the dysfunctional approach in the industry where the environment is seen as a commodity for exploitation rather than as the source of economic growth: Some concerns that are being addressed in the Province are that:
 - Not enough is being done to integrate tourism and the environment, especially by private sector bodies.
 - There appears to be no strategy to avoid the overuse of resources, even though most of the Western Cape's tourist attractions are environmentally sensitive, such as coastal towns, mountainous areas and conservation areas. The Garden Route, for example, has been developed extensively and vast tracts of previously undisturbed land and natural areas have been developed into exclusive golf resorts. In the approximately 90km stretch from George to Plettenberg Bay for example, there are some nine such developments. This has led to a far-reaching change in the cultural landscape and loss of much of the Garden Route's unique 'sense of place'. This in turn will impact on the tourist value and attraction of the region.
 - There are no national benchmarks, guidelines and best practice models from DEAT on tourism and environmental management. The National White Paper on Tourism does not deal with the modalities of the environment and tourism.
 - Recent initiatives iro mandatory regulation of tourism businesses go some way towards addressing current environmental problems associated with loss of biodiversity, sensitive landscapes, cultural landscapes & environmental degradation due to development pressures from resort development and golf estates (refer 6.2.2).

8.0 PURSUE ENVIRONMENTAL JUSTICE

8.1 Departments directly concerned with this principle:

- Health
- DPLGH
- DEAAT
- DECAS

8.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget*
- *To fight HIV/AIDS and other diseases in a co-ordinated and comprehensive manner*
- *To deracialise and integrate all state financed institutions*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*

- *To nurture our diversity and promote our various cultures, religions and languages*
- *To stimulate economic growth*
- Although the pursuit of environmental justice is a primary activity of the Province there are some administrative practices being undertaken which hamper progressive realisation of environmental rights. For example, the impact of existing pollution and the effect of planning on vulnerable communities, poor sanitation in rural communities, low cost housing settlements are usually developed on vacant derelict land that nobody wants — far away from schools, public transportation, near waste sites and industrial townships etc and lack of control over rubber burning
- A major concern in addressing issues of environmental justice in exercising functions or taking decisions that may significantly affect the environment, is the general lack of awareness amongst managers in provincial departments of the constitutional and statutory obligations on government, to ensure the progressive realisation of environmental rights. The provincial environmental department has secured donor funding from the Adenhauer Foundation for capacity building amongst senior managers in the Provincial Government. The Chief Directorate Environmental Affairs held a workshop in early September 2001 to sensitise senior managers in the provincial government and municipalities about compliance with section 24 of the Constitution. The intention is that this programme will be extended to local authorities depending on the availability of funding.

9.0 PROMOTE ENVIRONMENTAL HEALTH

9.1 Departments directly concerned with this principle:

- Environmental Affairs
- Health (Environmental and Occupational Health)
- Agriculture

9.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To fight HIV/AIDS and other diseases in a co-ordinated and comprehensive manner*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- The promotion of environmental health as a co-ordinated provincial activity has had limited success. One of the problems is that there are different authorities and departments directly affected by environmental health. There is no mechanism in place to establish joint management for environmental health. For example:
 - Air pollution is the function of the DEAT, provincial Environmental Health and municipalities. In terms of the Constitution, the area of air pollution is a concurrent function of the national and provincial government. Yet no powers have been devolved to the Province. Certain sections of the Atmospheric Pollution Act (Act 45 of 1965) have been devolved directly from DEAT to local authorities
 - The PSP has not identified air pollution as a transversal issue
 - Veterinary services is the function of the Department of Agriculture

- Environmental Health is responsible for strictly health related matters including pesticide monitoring
- Waste management has been devolved to local authorities
- Although the incidence of Tuberculosis is higher in the Western Cape than any other Province, there appears to be limited knowledge on the extent or distribution of the disease in some of the new settlements, both formal and informal
- Besides there not being a clear joint management approach to the promotion of environmental health yet, the following issues impact on the Provincial Government's ability to respond effectively:
 - Limited capacity within Environmental Health to implement and enforce existing laws and regulations, especially now that farm workers are also protected by labour legislation
 - Lack of common positions on the nature and extent of environmental health problems. For example, Environmental Health believes that zoonotic diseases are a major health issue, especially in poor urban settlements. Agriculture, on the other hand, believes that the extent and prevalence of zoonotic diseases, with the exception of rabies, buccolosis, TB and internal parasites, could be overstated
 - The inability to provide alternative local economic development opportunities in poor areas to prevent environmentally dangerous actions such as the burning of rubber tyres
- Despite the problems being faced, the Province is taking effective steps in dealing with the following environmental health issues:
 - Dealing with TB and HIV/AIDS through public campaigns and the provision of medication, using local clinics and day hospitals
 - Strengthening the management and support networks for regional hospitals and local clinics, especially through training and the production of resource materials
 - Establishing links with other Government and non-government organisations, especially in dealing with issues such as the Koeberg Nuclear Power Station Emergency Planning Committee
 - Efforts are being made by the Chief Directorate Environmental Affairs to deal more effectively with potential air pollution problems and associated mitigating measures when authorising EIA applications. There is close liaison with DEAT and the City of Cape Town's Air Quality Management components regarding air pollution problems

10.0 PROMOTE COMMUNITY WELL-BEING & PARTICIPATION

10.1 Departments directly concerned with this principle:

- Economic Affairs
- Cultural Affairs
- Environmental Affairs
- In addition there are other departments concerned with this principle that have not included in this EIP as placing significant pressure or impact on the environment, these are the Premier's Office (Poverty Relief desk), Social Services and Safety and Security. For purposes of describing compliance with this principle information on these departments is include in this chapters.

10.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- Provide quality, equitable and accessible services
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To fight HIV/AIDS and other diseases in a co-ordinated and comprehensive manner*

- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- *To nurture our diversity and promote our various cultures, religions and languages*
- *To stimulate economic growth*
- The promotion of community well being is actively pursued by the Department of Community Safety and Security as well as by the Department of Social Services and Poverty Relief through youth development programmes and community police forums. Programmes such as Poverty Relief, community safety forums and community policing forums, although important, have not been evaluated in this edition of the EIP. Further investigation will be required to explain them in detail. The Premier's Office has a youth development programme as well as programme for the support of women. These are generally low-key programmes and; their impact has not yet been measured.
- Some of the more active youth programmes are located within the Chief Directorate Cultural Affairs, which has an active youth development programme that targets people for leadership training. This training includes environmental awareness in a broader sense using museums and other heritage resources as educational mediums. The success of the programme stems from the fact that it draws participants from organised youth such as religious and other special interest groups to discover and understand their heritage.
- A valuable programme that tries to integrate schools into their local communities, is managed by the Department of Education through the Office of the Premier. The attempt through the Safer Schools project to integrate schools local communities through the hosting of adult education programmes and other community projects appears to be relatively successful.
- A managed land settlement process is underway which will identify land where people would be permitted to build shacks or any other structure in an area provided with basic services. It is hoped that this will reduce the incidence of squatting in sensitive areas or in areas where no services are available. However, the potential impact this and other housing initiatives will have on urban sprawl needs further investigation.
- The Human Settlements Redevelopment Programme is a National Department of Housing funded project that addresses dysfunctional housing provision. The types of projects that are funded include public toilets and showers, schools, commercial centres and job creation opportunities. These are the exception, rather than the norm in housing delivery, and are limited to a very few areas. Their impact is, therefore, not pervasive across all new housing delivery areas. The potential of widening this programme to all new settlements should be raised with the national Department of Housing.
- The Tourism Road Signage Project that focuses on the development of routes to spread the benefits of tourism to smaller towns and rural areas and to alleviate carrying capacity in metro pole areas.
- There are a number of areas where the promotion of community well-being and participation is stifled and constrained sometimes by the Provincial Government's own programmes. These include:
 - The absence of a clear strategy within the Housing Department to include a range of social and economic facilities within the housing delivery programme, or conversely, to locate low-cost housing in areas which have a range of social and economic facilities
 - The rate at which houses are being built is too high for local authorities to provide or sustain effective and consistent service delivery, even though local authorities are, in many instances, the initiators of housing programmes
 - The absence of local economic development plans that could be implemented in local areas, to improve local conditions, despite the availability of funding within various spheres of Government

11.0 PROMOTE SOCIO-ENVIRONMENTAL SENSITIVITY

11.1 Departments directly concerned with this principle:

- Economic Affairs
- Environment Affairs
- Development Planning
- Cultural Affairs

11.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *Provide quality, equitable and accessible services*
- *To orientate Government towards the poor by ensuring basic services, an indigent policy, a safety net and a caring budget.*
- *To develop the capacity of local government to ensure the rapid and comprehensive implementation of Integrated Development Plan (IDP)*
- *To focus on agriculture and tourism towards rural development*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- *To nurture our diversity and promote our various cultures, religions and languages*
- *To stimulate economic growth*
- As explained in previous chapters, the Province's white paper on knowledge economy specifically endorses the sustainable use and development of non-renewable resources as a major economic asset, in line with national norms set out in the 1998 *White Paper on Environmental Management Policy* and NEMA. The provincial white paper acknowledges the importance of ensuring environmental conservation whilst at the same time maximising the Province's growth and development potential. It advocates the development of the economic potential of the natural environment in a responsible and sustainable way. Particular emphasis is placed on tourism development and enabling previously disadvantaged local communities to actively participate in, and benefit from, the economic opportunities provided by environmental conservation and management.
- There is consistency emerging within the Provincial Government concerning the need for industrial polluters to pay for remediation. However, the balance between biophysical protection and attracting potential investors requires further attention to ensure consistent and effective enforcement of the 'polluter pays' and 'risk adverse' principles.
- The pollution of water systems through pesticide and other seepage is continually monitored by the Department of Agriculture with reasonable success. Similarly there are effective soil conservation programmes in place to prevent bad farming practices from impacting on downstream systems.
- The polluter pays principle is not effectively applied, and in some cases, such as the flushing or desalination of rivers, the costs are directly borne by the Provincial Government. For example, pesticides, fertilisers and wine cellars are problematic because of their impact on river systems. The Breede River is saline downstream because of this and water from the Brandvlei Dam has to be used to flush it out. Projects are underway with the Water Research Council to deal with salinity in the Berg and Breede Rivers. An investigation on how the "polluter pays" policy can be applied is under investigation.
- Another area that requires further investigation is the externality costs. The possibility of industries responsible for environmental problems such as air pollution being charged the cost to the Provincial Government for the treatment of environmental diseases attributable to those problems needs further investigation. The Directorate Environmental Management has identified the need to develop

environmental resource economic expertise in-house and is in the process of building such internal capacity.

- The Department of Economic Affairs is working towards educating local businesses intending to compete internationally about the stringent environmental conditions and is working towards promoting “clean and green” products from the Western Cape including the promotion of organic farming. As part of the distribution of investment promotion incentives, helping businesses becoming aware of, and sensitive to, the environmental requirements for ISO 14000 accreditation is being investigated.
- Opportunities to use educational facilities to promote socio-environmental sensitivity have not been fully exploited. Further work is also required in the use of schools and educational programmes at schools to promote socio-environmental sensitivity within local communities.

12.0 DISCHARGE INTERNATIONAL RESPONSIBILITIES

12.1 Departments directly concerned with this principle:

- All departments

12.2 Extent to which this principle is addressed in the Province

The following provincial strategic objectives broadly address this principle:

- *To stimulate economic growth*
- *To promote policies which will maintain a healthy balance between protecting the environment and developing the economy*
- The DECAS and WCNCB subscribe to all international conventions and protocols signed by the national government and perform an implementing/monitoring role with regard to some. These include:
 - Convention on Biological Diversity (CBD)
 - Framework Convention on Climate Change (FCCC)
 - World Heritage Convention (WHC)
 - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
 - Convention on Migratory species of wild animals (BONN Convention)
 - Convention on Wetlands of International importance especially as waterfowl habitat (RAMSAR Convention)
 - Seville Charter on Biosphere Reserves
 - International Convention to combat desertification in countries experiencing serious drought and/or desertification, particularly in Africa
 - Montreal Protocol
- The PSP, and other departmental initiatives have been designed around meeting some of the international agreements that the country has entered into. In particular, there is a commitment to the implementation of the Local Agenda 21 programme. The goals identified in Agenda 21 can be closely linked to the NEMA principles. The successful implementation of NEMA principles will, in effect, be the achievement of Agenda 21 goals.
- A specific programme for the implementation of a Local Agenda 21 programme is the “Green Globe” initiative within the Tourism Department. This would entail applying for “Green Globe” status and to begin to apply the principles associated with this status. These principles include, ensuring that tourist facilities are environmentally well managed, including the curtailing of excessive energy and water use. Ensuring that sound conservation management drives new developments or infrastructure provision is considered to be a very important component of the “Green Globe” status.

- The general lack of awareness within the Province of Agenda 21 and other international programmes such as Habitat that is presently a joint initiative of DEAT and the National Department of Housing, hampers them from becoming effectively integrated with local initiatives. A possible campaign to share the information on these programmes and their implications is being investigated.
- Another example of the Western Cape Provincial Government subscription to international environmental conventions is the implementation of the Bioregional approach to planning that has been adopted by the provincial Department of Planning. Bioregional planning is a UNESCO based initiative for sustainable development based on the concept of biosphere reserves. This forms the basis of the Western Cape Coastal Policy. There are two declared biosphere reserves in the Western Cape, the Kogelberg and Cape West Coast.

SUMMARY TABLE OF COMPLIANCE WITH NEMA PRINCIPLES IN THE WESTERN CAPE PROVINCIAL GOVERNMENT

The table below shows the extent of compliance with NEMA principles in the Western Cape Provincial Government and summarizes the information presented in chapters 5 to 12 above. The table is arranged according to the same clustering of principles followed in these chapters. The first column identifies priority policies, plans, programs and projects that comply with a specific NEMA principle or cluster of principles. The second column lists the major key performance indicators for measuring compliance with the relevant principle or cluster of principles. The third column indicates the source of funding (resource allocation) for the implementation of the priority policies, plans, programs and projects. The responsible provincial authority or agent (department, branch or chief directorate) is reflected in the fourth column and the last column lists the major co-operation partners in implementing the priority policies, plans, programs and projects. The major gaps in compliance are referred in the preceding chapters 5 to 12 and not reflected again in the table.

SUMMARY OF COMPLIANCE WITH NEMA PRINCIPLES BY SELECTED DEPARTMENTS

CURRENT STATUS OF COMPLIANCE	KPI	RESOURCES ALLOCATED	RESPONSIBILITY	CO-OPERATION PARTNERS
People’s needs are of primary concern — NEMA s2(2)				
Bulk infrastructure upgrade: Community Access Roads Programme (CARP)	Compliance with NEMA s24 iro assessing impacts	Poverty Relief NDOT funds	Transport	NDOT Municipalities DECAS
Public Transport Plans	As per Transport Subsidy	NDOT funds		NDOT, municipalities & Unicity
Food security programme	As per Land Distribution for Agriculture Development Programme	MTEF	Agriculture	Nat’al DLA NGO’s
Bulk infrastructure upgrade	Compliance with EIA Regulations & NEMA s24 CMIP allocation of R86m used on approx 180 projects	National Treasury	Housing	Local Gov’t Municipalities DECAS
Providing subsidies to qualifying beneficiaries within approved national & provincial housing programmes	Compliance with EIA Regulations & NEMA s24 22 000 housing opportunities by 2002	MTEF & Nat’al Treasury Conditional Grant		
Human Settlement Re-development Programme (HSRP)	Compliance with EIA Regulations & NEMA s24 Monitor HSRP projects	Nat’al Treasury Conditional Grant		
Disaster Management Programme	Regular meetings & Disaster Management Plans		Local Gov’t	Municipalities
Progressive realization of rights	Reporting on socio-economic protocols as per SAHRC requirements & time frames	All dept’s		
CMIP projects executed	Compliance with EIA Regulations & NEMA s24 Monitor CMIP projects	National Treasury	Local Gov’t	Municipalities DECAS
Promote agricultural infra-structure projects in rural communities & facilitate establishment of new farmers	5 farmer settlement projects & 10 agricultural infra-structural projects in rural communities	MTEF	Agriculture	
Public participation in EIA’s	Compliance with EIA Regulations & NEMA s24		DECAS	
Community primary health centres	Maintain Primary Health care funding @ 2000/01 rate	MTEF	Health	

CURRENT STATUS OF COMPLIANCE	KPI	RESOURCES ALLOCATED	RESPONSIBILITY	CO-OPERATION PARTNERS
	District health system established & functioning by 2003			
Development should be sustainable — NEMA s2(3) & (4)(a)				
Western Cape Coastal Policy (provincial policy framework for development in coastal zone based on bio-regional planning principles)	Environmentally sensitive developments No further degradation of the coast	MTEF	Planning	DECAS Relevant provincial dept's Municipalities
SDF's based on bio-regional planning principles	SDF's generated & implemented in all municipalities	MTEF Transfer payments & municipality budgets	Planning & Municipalities	DECAS Local Gov't
Preservation of roads & transport corridors to maintain mobility	As per Road Access Guidelines Compliance with EIA Regulations & NEMA s24	MTEF	Transport Branch W Cape	Municipalities
CAPE Action Plan for the Environment	Species & habitats not lost Reserve networks expanded to include priority areas for biodiversity conservation No decrease in productive capacity of terrestrial, fresh-water & marine ecosystems Utilisation of natural resources benefits local communities & supports maintenance of resource base	MTEF & GEF	WCNCB NBI	DEAT DECAS SANPARKS DEAAT ICP ARC WWF CSIR UCT TERA E Cape Provincial Gov't
Promote sustainable & responsible tourism development initiatives & projects	Launch 8 community-based tourism projects & establish craft resource centres in 2 pilot areas	MTEF Poverty Relief	Tourism	DECAS DEAT Relevant provincial dept's
Knowledge economy policy: Promote environmentally clean & safe production & energy supply	National norms & standards & international best practice	MTEF	DECAS Business Promotion	WESGRO DTI DEAT
Effective water utilisation	Increase from 55% to over 70% at trail plots	MTAF	Agriculture	
CMIP projects executed	As above			
Issue written authorisations ito EIA Regulations & PNE permits ito ECA	Compliance with EIA Regulations & NEMA s24 Apply NEMA principles	MTEF	DECAS — Environmental Management	
EIA compliance monitoring & law enforcement	Enforce compliance with conditions of authorisation/permit enforcement			
Soil conservation norms & standards	Funding levels for soil conservation & land-care must increase by 50% by 2003	MTEF	Agriculture	DECAS WCNCB
Landcare projects for rural communities				
River conservation work	Water utilisation must increase from 55% to 70% by 2003			
Investigation of water availability for future irrigation schemes				DWAF
Water saving project				

CURRENT STATUS OF COMPLIANCE	KPI	RESOURCES ALLOCATED	RESPONSIBILITY	CO-OPERATION PARTNERS
Conservation of cultural heritage resources	According to published norms & standards for cultural, historical, archaeological & architectural heritage	MTEF	DECAS	DACST, SAHRA, implementing agents & municipalities
Mission settlements project	Two conservation projects implemented in Genadendal & Goedverwacht	Poverty Relief & Housing Dept's Rural Subsidy Fund	DECAS & LANOK (implementing agent)	DACST, DPLGH, SAHRA, DEAT & DECAS
Integrate environmental management — NEMA s2(4)(b) (k) (l) & (m)				
Western Cape Coastal Policy (provincial policy framework for development in coastal zone based on bio-regional planning principles)	No further degradation of the coast More compact urban areas & less urban sprawl into rural areas	MTEF	Planning	DECAS Relevant provincial dept's
SDF's based on bio-regional planning principles	SDF's generated & implemented in all municipalities	MTEF Transfer payments & municipality budgets	Planning & municipalities	DECAS Local Gov't Relevant national & provincial dept's
CAPE Action Plan for the Environment	As above			
Integrated Waste Management Plans: First Generation Hazardous Waste Management Plans	As per NWMS Review by DEAT	MTEF	DECAS	Municipalities Local Gov't
Co-ordinating structure in place & functioning (Inter-departmental Environmental Liaison Committee)	Reduced inter-departmental conflicts Integrated decision-making Procedure agreed & implemented	Accommodated under dept'al operational budgets	DECAS	DPLG&H
Integrated Waste Management Capacity Building of municipalities	All municipalities capacitated by end 2002	MTEF	DECAS	Local Gov't
Environmental Impact Management & Waste Information Management Systems	Information systems established according to specifications & operational by end 2003	MTEF	DECAS	
Environmental Impact Management Capacity Building Programme	According to targets & time-frames as per business plan Senior officials in municipalities capacitated Quarterly workshops held with environmental consultants Workshops with selected development & industry sectors	MTEF	DECAS	DPLG&H Municipalities
Environmental Impact Management: Operational Procedures, Guidelines & Manuals	Developed & implemented as per Service Delivery Improvement Program	MTEF	DECAS	
Western Cape State of Environment Report	Launched by March 2005	MTEF DEAT grant	DECAS	All dept's
Environmental considerations incorporated into EMPR's, IDP's and SDF's	Compliance with NEMA principles	MTEF	DME DPLG&H	DECAS
Pursue environmental justice — NEMA s2(4)(c) & (d)				
Environmental Commissioner	Bill passed by provincial legislature	MTEF transfer payment	DECAS	

CURRENT STATUS OF COMPLIANCE	KPI	RESOURCES ALLOCATED	RESPONSIBILITY	CO-OPERATION PARTNERS
Progressive realisation of rights	As above			
Capacity building amongst senior managers	Conduct workshop in Sep 2001 All senior managers aware of constitutional obligations	Adenhauer Foundation	DECAS	CD: Intergovernmental relations & Provincial Planning
Promote environmental health — NEMA s2(4)(e) & (j)				
Pilot project on segregation of health care waste	Reduction in amount of waste categorised & treated as hazardous	MTEF	DECAS	
Western Cape Clean up Operation	Urban & rural renewal projects undertaken by municipalities, NGO's & CBO's	MTEF transfer payment	DECAS	All depts Municipalities
Promote community well-being — NEMA s2(4)(f), (g) & (h)				
Environmental Impact Management Capacity Building Programme	Workshops with NGO's	MTEF	DECAS	
Waste minimisation clubs	Clubs established		DECAS	
Public participation in EIA's	As above			
Promote socio-environmental sensitivity — NEMA s2(4)(i) & (o)				
Issue written authorisations ito EIA Regulations and PNE permits ito ECA	As above			
Issue ECA s31A or NEMA s28 directives	Compliance with legal requirements		DECAS	
Knowledge economy policy: Promote environmentally clean & safe production & energy supply	As above			
Discharge international responsibilities — NEMA s2(4)(n)				
CAPE Action Plan for the Environment	As above			
Biosphere Reserves	As per Seville Charter	MTEF	DPLG&H	DECAS WCNCB
Green Globe initiative			Tourism	
Western Cape Coastal Policy (provincial policy framework for development in coastal zone based on bio-regional planning principles)	As above			
SDF's based on bio-regional planning principles	As above			

13.0 PROBLEMS AND ISSUES

The aim of this chapter is to address the requirement that provinces should describe how the objectives of integrated environmental management and co-operative governance are met. It provides a 'bird's eye view' or observation of some of the key problems and issues experienced in the Province that either contribute to, or detract from, achieving the objectives of integrated environmental management, co-operative governance and compliance with the NEMA principles.

From the evaluation of some of the initiatives in the Provincial Government, it can be concluded that a significant portion of those initiatives are contributing towards integrated environmental management and the realisation of the NEMA principles. However, there are still many problems that sometimes contradict and undermine those initiatives. This indicates that the realisation may be accidental rather than the result of a carefully developed programme. Based on this, a number of observations or conclusions can be drawn. This section draws those conclusions and makes some recommendations regarding the action that can be taken.

13.1 Co-operative governance

13.1.1 Administrative/Institutional Issues

There is a greater awareness of the problems and issues surrounding NEMA amongst those officials who work with the biophysical aspects in the Provincial Government. On the other hand, many officials are too focussed on meeting set targets to reflect on the environmental impact of their work. Furthermore, many officials are experiencing levels of administrative responsibilities higher than they managed in the past. Under such circumstances, the EIP or any other new administrative requirement, such as the PSP, could simply be seen as a burden, which might not be dealt with adequately. Ways must be identified to assist officials on how to deal with complex environmental problems, policies and procedures as part of their regular tasks and not as additional responsibilities. The ideal process would work towards simplified government structures by clustering or grouping related departments into a single structure governed by a common set of legislation and overseen by a single provincial minister. This is a goal that should be worked towards by all departments.

To avoid the environment becoming yet another responsibility being tagged onto present workloads, the process needs to streamline the administrative and legislative burden under which officials operate. Issues they need to pay greater attention to are bio-diversity management, the links between urban form, environmental health and social dislocation.

If integrated environmental management is to receive priority from the officials, their administrative burden, or their understanding of their administrative responsibilities, will have to be simplified. Suggestions in which way this could be achieved include the revision of KMO's and targets, review approaches to development and change work methods towards greater clustering. The basis for clustering has already been established in the PSP preparation process. Enhancing the role of the PSP process to assist officials and build confidence is a priority. There appears to be much vagueness and lack of certainty amongst officials on IEM as well as its role and value to the development process. This could be corrected through an effective communication and stakeholder involvement process, which will assist officials in understanding the benefits of IEM. The role of the PDC involving other interest groups, especially the private sector, is being considered.

The role of independent or semi-independent sustainable development agency should be explored. A useful starting point would be to define its terms of reference and performance criteria. The PDC already fulfils a major part of this role because it brings together public sector, private sector, trade unions and other interest groups.

It appears that being focused on delivery within defined timescales could partly be a reason for some administrative concerns. There might be an assumption that because delivery quotas are high, the soft issues such as the environment, will be neglected. For example, in the rush to provide a defined number of houses within the context of the national housing subsidy formula, the poor are still being relocated on the urban peripheries throughout the province. The impact of urban sprawl on air pollution and asthma can easily be ignored in this context. Yet from an environmental health or primary health perspective the links are clear.

13.1.2 Local Authority Co-operation

Because of the local government transformation process and resultant lack of certainty it has not been possible to address local government involvement in this First Edition EIP. This is acknowledge as a major

gap and As large metropolitan areas become increasingly important national and international entities, the potential for confrontational relationships with other spheres of government will increase. The proposed provincial Committee for Environmental Co-operation and semi-independent sustainable development agency could be a start to this relationship with the basis being the involvement of local authorities in EIP's; as well as making compliance with EIP's a condition of funding from any Provincial Department. This will impact on Local Authority planning and development processes to ensure that sustainability is a central theme in IDP's.

13.1.3 Internal Communication

There appears to be a limited flow of environmental information within and between some departments. The problems of internal communication could be due to a number of reasons, including a narrow view of environment and lack of understanding of what constitutes integrated environmental management. Capacity constraints, competing/different delivery priorities and weak institutional networking and inter-departmental cooperation also contribute to internal communication problems.

13.1.4 External communication

Both ECA and NEMA make provision for litigation and other measures (such as appeals) to enable groups and individuals, aggrieved by decisions made by any government department, redress. As a result the role of the Provincial Government in environmental legal challenges will increase. The present relationship between some Provincial Departments and some environmental NGO's can best be described as antagonistic. The fact that NGO's always appear to be attacking, especially those officials involved in managing the EIA process and development approvals, make the relationships between them reactive, rather than establishing trust and sensitivity to each other's positions. This relationship is not one that generates good debate and a sound resolution of disputes. In this regard the opportunity to develop capacity within the environmental NGO sector and amongst officials to establish mechanisms for dialogue without compromising debate should be explored. The Directorate Environmental Management encourages the use of the fair decision-making and conflict management [provisions in chapter 4 of NEMA, as a mechanism for resolving disagreements and objections that arise during EIA processes.

13.1.5 Duplication and Clarification of Roles

There are a number of areas where there is potential for duplication or overlapping of roles and responsibilities. For example, the Housing Department requires an Urbanisation Policy in order to understand where and how to allocated housing funds. An Urbanisation Policy is important to the Provincial Government as a whole and to avoid a number of similar studies from being undertaken, existing work such as the Draft Green Paper dealing with Urbanisation and a settlement policy could be reviewed.

The problem created in the National Constitution regarding the handling of the various aspects of pollution needs to have an interim resolution to deal with the relevant authority on all aspects of pollution. A process is underway to deal with this as well as the problem of disaster management that is being devolved to local authorities.

13.2 Law Reform

Presently there is a plethora of environmental acts and regulations that affect the development sector. In the context of limited administrative capacity, these are the perfect conditions for such laws to be disregarded. The Directorate Environmental Management has identified an increased tendency of developers to first develop (conduct an activity/activities prohibited in terms of section 22 of ECA) and then to apply for authorization. Therefore, the following law reform initiatives are imperative:

- Environmental laws and EIA Regulations should be reformed into a more coherent, integrated and practicable form.
- Agriculture in the Province is not regulated by a single dedicated Act, but by a number of mostly national

laws. It is anticipated that a new Act dealing with the wide range of agricultural issues, including the subdivision of agricultural land, will be submitted to the Provincial Legislature in 2001.

- Clear allocation of functions in respect of all aspects of pollution, particularly regarding the setting of new air quality norms and standards.
- Revision of the heritage assessment provisions in the NHRA to ensure alignment with section 24(7) of NEMA and clarify the provincial environment department's responsibilities in respect of heritage assessment
- The implementation of the PDA and the associated Regulations is to be expedited in order to provide a coherent planning and development framework for the Western Cape.

The Department of Land Affairs will be engaged regarding their resolution of restitution claims. The intention is to obtain input from local authorities, to explore ways in which claims can be settled sustainably, and to extract a commitment to the adherence of NEMA principles from the DLA.

13.3 Bioregional Planning

In view of the artificial and arbitrary nature of local authority boundaries, a new approach to planning has been established. The basis for this is Bioregional Planning Framework for the Western Cape Province. However, the bioregional approach to planning has to be viewed in the context of other sustainable regional development approaches. There is the danger that bioregional planning could become another buzzword. To avoid this happening, the concept is to be tested thoroughly to gauge its relevance and applicability to the Province as a whole.

13.4 Provincial Housing Policy and CMIP

The present approach to service delivery and development, which is about meeting quotas, can have a negative impact on the social and biophysical environment. For example, the focus on delivering 20 000 houses within a defined period can result in the NEMA principles, sustainable development and other sound public policies being ignored in favour of meeting specific targets.

Rather than having a quota driven approach, the possibility of an environmentally sustainable approach should be advocated. For example funds raised through housing rentals, CMIP, donor sources and other Provincial Departments budgetary allocations could be pooled to access better located and less sensitive land for housing in order to reduce environmental health problems and use existing infrastructure more effectively. This would enable financial resources to be spent on other social issues such as local economic development, community safety and education. Such an approach would ensure a collective working towards achieving sustainable development in the housing sector. For this to happen the present anomaly where CMIP business plans are approved by a Programme Manager dedicated to this task; and housing projects are approved by the Housing Board or local MEC, has to be rectified by the national Department of Housing because the need to create viable and vibrant communities should take precedence over delivery if sustainability is to be achieved. This requires a change in the delivery system and review of the national housing policy. The Provincial Government is preparing a new housing policy. An opportunity exists to review the environmental limitations of the current housing delivery process, and what policies should be put in place to promote sustainable development in the context of the nationally determined limitations. Using the Housing Settlements Redevelopment Programme funds together with funds for local economic development and housing subsidies, an opportunity exists to develop a model for alternative housing. Local NGO's and other interested parties such as the Homeless Peoples' Federation could be involved in the project.

An example of an environmentally sustainable approach could be a demonstration project such as the Green House project. This will generate intra-Provincial co-ordination as well as the possibility of producing sustainable low cost housing options. Issues such as low flow cisterns, grey water re-use, energy efficiency, etc should be looked at. Studies have been done which show that a large percentage of residents in new low cost housing developments continue to use wood and coal as energy sources,

despite having access to electricity. The demonstration project will show that resource efficient low cost housing does not have to be sub-standard and have identifiable social, economic and environmental benefits. The benefit of adopting this approach is that it holds the potential of moving alternative, and environmentally sustainable building systems from the realm of the esoteric into the mainstream delivery mechanism. This will have obvious financial and environmental benefits in the medium to long term and may influence the Housing Policy presently being developed for the Province.

13.5 Youth Development

The youth development programmes within the Chief Directorate Cultural Affairs are being linked to tangible programmes such as heritage resource development and the Chrysalis and MADAM projects.

13.6 Local Economic Development

The role of local economic development in sustainable development needs further exploration. A pilot project is required to identify how this could happen and the possibility of using new housing settlements is under consideration. There is insufficient involvement of this crucial aspect of development in the housing delivery process.

13.7. Green Globe Initiative

This is a for-profit international project that could be applied locally. It applies to the local hospitality industry and is aimed at the conservation of non-renewable resources. There is a role for a number of Provincial Departments and Local Authorities in contributing towards the "Green Globe" initiative that is an important opportunity grow the tourist industry without exacting a major environmental demand. To do so effectively will also require a far greater commitment from the private sector tourism industry to securing bio-diversity and economic opportunities for local communities. This initiative is being used to generate the public-private partnerships opportunities and enhance the role of the private sector in sustainable development.

The Provincial Government is working on a pilot project with the hospitality industry based in the Cape Metropolitan Area. The success of this pilot project will determine whether or not it will be extended to other parts of the Province, or discontinued altogether.

13.8 Externalities

Externalities resulting from bad environmental practices that are presently borne by public bodies need to be factored into production costs. Environmental economics is gaining international prominence as a more rational way of implementing the polluter pays principle. To ensure that polluters pay for remediation, a system has to be developed which quantifies the externalities of various industrial, commercial and residential developments. This aspect has not been taken further, but departments such as Economic Affairs and DECAS, are aware of them and are working on establishing appropriate policies for implementation.

13.9 Management Tools

ENPAT and the CAPE Action Plan for the Environment are both vital decision-support tools for sustainable development to be promoted. They can be used as management tools on which to model the impact of development applications. Although the Chief Directorate Environmental Affairs does not yet have information systems in place, a process is not underway, to link up with existing GIS databases in the Province (including the biodiversity GIS of the WCNCB) in order to enhance the quality and accuracy of decision-making. A consultative process with DEAT regarding national norms and standards which would form the basis of evaluation and which could be built into the ENPAT GIS model is required.

13.10 Issues Requiring Further Explanation

In conclusion, various matters that were not explored in the compilation of this First Edition EIP are identified below with a view to further investigation in the review of the EIP. These include:

- Criteria for determining new land for tillage in view of the increasing amount of new and small farms being developed. The criteria should incorporate conservation farming measures.
- The impact of conservation farming on food security requires further research, particularly with in the broader context of sustainable development.
- Clarifying the opposing views on the extent to which zoonotic diseases are a problem. Addressing this will assist in determining where and how resources should be directed including the sharing of clinics and schools between Health, Education and Agriculture. Linking the Primary Health Care services being devolved to local levels with other local level services such as veterinary health, and environmental education will assist in Public Veterinary Health being more proactive in dealing with animal health in urban areas.
- Determining the impact on water loss, and downstream salination caused by the flushing of rivers will help to determine a way in which the polluter pays the real cost of repairing the damage.
- In addition to reviewing how CMIP funds are spent, a review of the budgetary allocations to enable those projects with potentially high impacts on the environment to undertake full EIA's and still be eligible for funding within a particular year if remedial plans are submitted and approved is required.
- Norms and zoning plans for mariculture development
- Change the discourse from focusing on parochial ('green') issues in the environment towards an understanding of what constitutes sustainable development and the concepts such as 'strong' versus 'weak' sustainability. An alternative paradigm identifies the environment as a resource and a source of economic growth potential, rather than a component in which there are trade-off's between economic growth and social needs.

14.0 PROGRAMME FOR IMPLEMENTATION AND MONITORING OF EIP

This section attempts to identify what actions are required to ensure that appropriate mechanisms are put into place to ensure the effective and efficient implementation of integrated environmental management, integrated decision-making and co-operative environmental governance in the Western Cape. The proposed mechanisms focus on key strategic interventions and short to medium term actions. The mechanisms are linked to the provincial strategic policy directives (described in section 2) to ensure political, top management and institutional buy in. The choice of mechanisms has been determined by:

- practical realities such as resource constraints and demands for delivery,
- the need to prioritise, be focussed and identify implementation actions that are visible and achievable,
- provincial strategic policy directives,
- the constitutional obligation to co-operate,
- the statutory obligation to ensure compliance with the NEMA principles.

Future action and activities towards meeting NEMA principles must be based on the central pillars or themes of the Act itself. These are:

- Principle-based and consistent environmental decision-making
- Co-operative governance in the environmental sector
- Opportunities for civil society in environmental governance

- Promotion and fulfilment of environmental rights and obligations

This section identifies the strategic policy interventions necessary to ensure the co-ordinated implementation of the Environmental Implementation Plan in the Province. Secondly, it proposes priority short to medium term actions required to give effect to effective and efficient integrated environmental management, integrated decision-making and co-operative environmental governance in the Western Cape.

14.1 Strategic policy interventions

The Provincial Government has identified four focus areas that link up with the provincial strategic directives, namely:

Trade & Environment
Technology Transfer
Environmental Management Systems
Alignment between budgetary and strategic frameworks

The Chief Directorate Intergovernmental Relations and Planning Co-ordination will be responsible for co-ordinating the strategic policy interventions, incorporating them into the PSP and setting appropriate timeframes and key performance indicators. The actions recommended under each of the above four focus areas are reflected in the table below and shows the linkages with the NEMA principles, provincial strategic directives and Provincial Strategic Plan.

KEY FOCUS AREA	DRIVERS	NEMA PRINCIPLE	PROVINCIAL OBJECTIVE	PSP
<p>Trade & Environment</p> <ul style="list-style-type: none"> • Develop environmental resource economics program to investigate economic instruments, benchmarks & best practice, cleaner production targets, risk averse approach, resource accounting etc • Develop environment, development & economic growth policy for the Western Cape • Investigate & establish measures to protect Cape Floristic Kingdom from bio-piracy, eg bio-prospecting protocol • Investigate & establish measures to protect Indigenous Knowledge Systems • Promote closer co-operation between environment and business promotion & tourism authorities & agencies 	<p>CDEA CDDP BBP&T WESGRO</p> <p>WCNCB CDEA BBP&T</p> <p>CDEA BBP&T WCTB</p>	<p>Needs of people are of primary concern Development should be sustainable Integrate environmental management Pursue environmental justice Promote environmental health Promote community well-being Promote socio-environmental sensitivity Discharge international responsibilities</p>	<p>Basic services IDPs Economic growth Rural development Sustainable development</p>	<p>Wellness Economy Safe & secure</p>
<p>Technology Transfer</p> <ul style="list-style-type: none"> • Develop & implement IEM capacity building for local gov't • Develop & communicate best practice, norms, guidelines & manuals • Environmental rights training for provincial program managers & municipal managers • Promote cleaner production & environmentally sustainable technologies 	<p>CDEA CDDP CDLG</p>	<p>Integrate environmental management Promote environmental health Discharge international responsibilities</p>	<p>IDPs Sustainable development</p>	<p>Human resource capacity Institutional</p>
<p>Environmental Management Systems (EMS)</p> <ul style="list-style-type: none"> • Develop & implement provincial plan to audit capacity to implement measures for environmental compliance & performance in impacting dept's • ISO 14000 accreditation for Provincial Government • Obtain political and heads of dept buy in for introducing EMS into line function programs & ISO 14001 accreditation for Provincial Government • Introduce eco-labelling • Establish realistic standards (trade barriers) and promote cross-boundary standardisation 	<p>CDEA</p> <p>CDEA BBP&T</p>	<p>Integrate environmental management Discharge international responsibilities</p>	<p>Basic services IDPs Rural development Sustainable development</p>	<p>Economy Safe & secure province Institutional</p>

KEY FOCUS AREA	DRIVERS	NEMA PRINCIPLE	PROVINCIAL OBJECTIVE	PSP
<p>Alignment between MTEF, PSP and EIP</p> <ul style="list-style-type: none"> • Include compliance with Environmental Implementation Plan, progressive realisation of environmental rights and compliance with NEMA principles into the strategic planning and budgetary process. The provincial government needs to develop criteria for measuring compliance and setting targets in the Integrated Management Plans and Budget Statements of each department. In the Budget Statement, for example, reference to environmental compliance and performance should be included under the headings "Review" (of the previous financial year), "Outlook" and "Expected Outcomes" and "Desired improvement" (for the coming financial year). • Ensure alignment between EIP and IDP's 	<p>Office of DG DirFM All dept's</p> <p>DPLG&H DECAS</p>	<p>Needs of people are of primary concern Development should be sustainable Integrate environmental management</p>	<p>Basic services IDPs Economic growth Rural development Sustainable development Nurture diversity</p>	<p>Institutional</p>

14.2 Short to Medium Term Actions (2002/03 to 2004/05)

This section recommends the short and medium term actions that the Provincial Government will undertake over the next MTEF period starting 2002/03 to 2004/05 in pursuance of meeting its obligations to implement the Environmental Implementation Plan and ensure compliance with the NEMA principles.

14.2.1 Monitoring Implementation of Environmental Implementation Plan

It is recommended that the:

- *Chief Directorate Intergovernmental Relations and Planning Co-ordination monitors provincial department's implementation of, and compliance with, the Western Cape Environmental Implementation Plan.*
- *Provincial Government establishes a Provincial Committee for Environmental Coordination in 2002 and that this committee determines specific timeframes for the implementation of short to medium term actions.*
- *Chief Directorate Environmental Affairs determines substantive environmental norms and standards for monitoring in line with national standards.*

Given the transversal nature of the Environmental Implementation Plan, the function to oversee monitoring of the implementation of the Environmental Implementation Plan should be located within the Office of Director-General, specifically the Chief Directorate Intergovernmental Relations and Planning Co-ordination. This Office should be responsible for developing appropriate monitoring systems, indicators and reporting requirements and mechanisms. Monitoring systems must be integrated and cut across affected line functions to ensure optimal efficiency of resources and capacity. Reporting on implementation should be done annually, must not place an unnecessarily onerous burden on line function departments and not duplicate existing reporting requirements. Disaster management structures,

strategies and plans must be included in monitoring the implementation of, and compliance with, the Environmental Implementation Plan. Provision will also need to be made to ensure alignment and integration between the EIP and IDP's as well as the monitoring of municipalities' compliance with the EIP in accordance with section 16(4) of NEMA.

A Provincial Committee for Environmental Coordination should be established as a sub-committee under the Provincial Planning Committee. Such a committee should be chaired by the Head of the Department of Environmental and Cultural Affairs and Sport, and fulfil a role similar to the national Committee for Environmental Coordination in the Province. It must include representation from the key provincial departments, regional offices of national departments and organised local government in the Western Cape.

Individual departments should be responsible for instituting internal monitoring and reporting mechanisms. These mechanisms could include quarterly performance reports to heads of department.

The Chief Directorate Environmental Affairs should be responsible for developing substantive norms and standards for measuring departments' performance and compliance with the Environmental Implementation Plan in compliance with national environmental norms and standards. This chief directorate should also provide guidance to municipalities on compliance with the EIP.

The Chief Directorates Intergovernmental Relations and Planning Co-ordination and Environmental Affairs and proposed Provincial Committee for Environmental Co-ordination will be responsible for the detailed planning and co-ordination of the various short and medium term actions recommended in this section, as well as the strategic interventions mentioned above.

14.2.2 *Champion & Custodian for the environment*

It is recommended that the Department of Environmental and Cultural Affairs and Sport is recognised as the custodian and lead agent for the environment in the Western Cape and strengthened to be able to fulfil this role.

The *White Paper on Environmental Management Policy for South Africa* introduced the concept of a lead agent for the environment. The concept is entrenched in NEMA. This role is entrusted to the national environment department. The lead agent must provide leadership and guidance to ensure effective integrated environmental management. The DECAS, specifically the Chief Directorate Environmental Affairs, needs to be capacitated to be able to fulfil its role as **provincial** custodian of the environment and lead agent in ensuring environmental protection and promoting the progressive realisation of environmental rights and environmentally sustainable development in the Western Cape.

Identifying a lead agent in no way overrides or limits the powers or responsibilities of other provincial and local government agents. To give effect to co-operative environmental governance and ensure development that is environmentally sustainable, the respective line function components and local authorities must harness and prioritise those programmes, plans and actions that already exist and are planned for the future.

14.2.3 *Provincial Strategic Plan and Sustainable Development*

It is recommended that the PSP be revised to focus it more specifically on achieving the objectives of sustainable development as articulated in Agenda 21, co-operative governance and compliance with the NEMA principles

The PSP must be revised to ensure that it is specifically directed at working towards sustainable development. This will include looking at:

- Establishing a sustainability vision to move from being reactive to pressures and threats
- Establishing a hierarchy of sustainability indicators
- Investigating the establishment of an independent body sustainable development agency/body in the

province to monitor the provincial government's and municipalities' performance in respect of sustainable development and meeting government's commitment to Agenda 21 as required in terms of section 26(2) of NEMA

- Sustainability indicators (see Agenda 21)
- Linking with IDP processes at local government level
- Linking the PSP explicitly with the Environmental Implementation Plan to ensure compliance with the NEMA principles and imperative to ensure co-operative environmental governance

In view of the primary role of the PSP as a strategic tool, the PSP process will be the overarching framework within which change is effected. The Cabinet, Provincial Planning Committee, the PDC and other institutions in the management of the Provincial Government should be the primary drivers towards sustainable development. These institutional organs are well placed to ensure that the following aspects are addressed:

- Co-ordination
- Consultation
- Implementation
- Monitoring
- Intervention

For this to happen there needs to be a number of actions including the:

- re-alignment of the PSP to state explicitly that it intends basing future action on the NEMA central pillars. This and the NEMA principles (especially the sustainable development principle) will inform future strategic planning on which to execute Provincial mandates
- alignment of key performance indicators for all departments with the revised PSP
- greater emphasis on including the objectives of Agenda 21 and Local Agenda 21 initiatives into the PSP

Since these actions are continuous processes, what needs to be done is not the discarding of the present process, but a review of the priorities that are focussed and based on the central pillars of NEMA. It is expected that the normal process of internal engagement will continue. To start the initiative, the Provincial Planning Committee needs to agree on the priority areas where co-operative governance will best achieve the implementation of the revised PSP; and to identify the products and projects that must emerge from there. The information provided in Section 13 will serve as the basis for further research into determining the priority areas.

Basic information on environmental compliance and sustainable development within the Provincial Government and in the Province as a whole, needs to be disseminated. Awareness campaigns must be made part of a general communication strategy on sustainable development. This should include issues such as community safety and health, and creating awareness amongst role-players concerning joint initiatives. Getting Provincial officials to understand their role in sustainable development en facilitating the progressive realisation of environmental rights in the Province should also be part of such a communication strategy.

14.2.4 *State of Western Cape Environment Report*

It is recommended that the Chief Directorate Environmental Affairs co-ordinate the compilation of a State of Western Cape Environment Report to be launched by 2005

It is recommended that in the build up to the preparation of the Second Edition Environmental Implementation Plan, the Provincial Government embark on a process to develop a *State of Western*

Cape Environment Report. This is an important intervention because it will provide a benchmark to evaluate the success of provincial environmental management activities based on a year on year analysis. Provision has been made in the 2002/03-2004/05 MTEF for funding for the compilation of the first provincial State of Environment Report. It is included as an output of the Sub-programme Environmental Management and Policy and it is envisaged that it will be launched by March 2005.

The Chief Directorate Environmental Affairs will be the lead agent in developing the provincial state of the environment report.

14.2.5 *Integrated decision-making and institutional arrangement*

It is recommended that the Provincial Government develop and put into place mechanisms that ensure:

- *integrated decision-making between all departments that exercise functions that may affect the environment, or are entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment, and*
- *alignment between environmental and planning legislation and administrative procedures*
- *eradication of duplication of effort.*

A major challenge in this regard will be the development and establishment of the 'one stop shop' concept. To achieve this the Chief Directorate Intergovernmental Relations and Planning Coordination must conduct an audit of all inter-departmental co-ordinating structures with an environmental and planning focus, on provincial and regional level, in the Province. In addition, all line function components will have to determine and assess their specific needs for co-operative structures and working arrangements. Current initiatives in this regard need to be strengthened and expanded to cover other functional areas such as transportation, heritage resources management, housing, infra-structure development etc. Provision must also be made to develop, establish, link and maintain decision support systems necessary to facilitate integrated decision-making and improved co-ordination between line function departments. Critical in this regard will be the need to standardize data criteria and establish functional linkages between the different databases, geographic information systems etc.

The Provincial Government needs to ensure integration of development and environmental management considerations in the new Planning and Development Act and associated Regulations is required. This includes public-private partnerships and the guidelines on how to go about achieving them. Similarly, integration of heritage and environmental management considerations will have to be achieved in the envisaged provincial heritage resources legislation if and when this developed.

The Chief Directorates Environmental Affairs and Development Planning will be jointly responsible for driving the process of ensuring greater integration, alignment and eradicating duplication of effort

14.2.6 *Capacity Building*

It is recommended that:

- *the Chief Directorate's Environmental Affairs and Development Planning launch a co-ordinate capacity building programme for local government on integrated environmental management and planning*
- *the Chief Directorate Environmental Affairs co-ordinates a programme to build provincial programme managers' understanding of their constitutional obligations in respect of environmental governance and the progressive realisation of environmental rights*

The Chief Directorate Environmental Affairs should be responsible for allocating funding for this purpose and generate the necessary business plans and resource materials to ensure the successful execution of this recommendation.

ANNEXURE 1

LEGISLATIVE PROVISIONS AND ITS RELEVANCE TO THE PROVINCE OF WESTERN CAPE

This section is divided into three tables that indicate the primary, secondary and tertiary legislative framework. The rationale for this classification has been explained in each table.

PRIMARY			
<p>Primary legislative provisions include those where the Department of Environmental and Cultural Affairs and Sport (DECAS) has executive responsibilities.</p> <p style="text-align: center;">The Constitution of the Republic of South Africa (1996)</p> <p>The DECAS has the primary responsibility for ensuring that the environmental rights as contained in the Bill of Rights (Section 24) are met. The Province must act to protect this right to the extent set out in Schedules 4 and 5 in accordance with Chapter 3 of the Constitution (Co-operative governance).</p>			
Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
<p><i>NATIONAL</i> National Environmental Management Act, 1998 (Act 107 of 1998)</p>	<p>Give legal effect to the environmental right and the Environmental Management Policy.</p> <p>The Act:</p> <ul style="list-style-type: none"> • Establishes principles for decision-making. • Establishes institutional arrangements and procedures for co-operative governance. • Establishes procedures for conflict management. • Promotes integrated environmental management. • Establishes minimum procedures for environmental impact assessments and enabling any national/provincial authority to prescribe own EIA regulations. • Provides for international environmental instruments. • Promotes compliance and enforcement by means of various measures. • Promotes co-operative governance. 	<p>The Act is applicable to all functions of the DECAS.</p> <p>The actions of all spheres of government and organs of state in Western Cape who may impact on the environment are subject to certain provisions in the Act. Any policy, programme, plan or any decision made in the province that may have an affect on the environment must comply with section 2 of the NEMA.</p>	<p>A high level of co-operation is required amongst all spheres of government in implementing provisions of the Act.</p> <p>Co-operation with national departments is also required in terms of directives issued under S28 of the Act. Alignment of legal procedures for the issuing of directives are required between the DECAS and National departments (e.g. DWAF).</p>
<p><i>NATIONAL</i> The Environment Conservation Act, 1989 (Act 73 of 1989)</p>	<p>The purpose of the Act is to provide for the effective protection and the control of activities that may have a detrimental effect on the environment.</p>	<p>The Act is applicable to the province in terms of the following functions:</p> <ul style="list-style-type: none"> • Declaration of protected natural environments (S16). • Establishment of management advisory committees for any declared protected environment (S17). • Management and control of special nature reserves (S18). • The administration of the prohibition of littering and the removal of litter (S19). • The issuing of authorisations (S22) 	

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
		<ul style="list-style-type: none"> • The declaration of limited development areas (S23) • The issuing of exemptions (S28A). • The issuing of directives to cease any activity that could damage or endanger the environment (31A). • Making of regulations regarding littering, limited development areas, environmental impact reports, certain regulations regarding waste management and noise, vibration and shock, and other matters relating to the environment. 	
Seashore Act (Act 21 of 1935)	To declare the State President to be the owner of the sea-shore and the sea within the territorial waters of the Republic; and to provide for the grant of rights in respect of the sea-shore and the sea, and for the alienation of portions of the sea-shore and the sea.	<p>The Act is assigned to a parastatal body i.e. Western Cape Nature Conservation Board (WCNCB) (Certain functions are delegated to local authorities).</p> <p>Functions include <i>inter alia</i>:</p> <ul style="list-style-type: none"> • ensure environmental considerations are observed by local authorities; • letting or lease of sea-shore for various purposes; • removal of material from the sea-shore (with exceptions); • authorize any local authority to make regulations to be applied to the seashore and the sea of adjoining the area of jurisdiction of such authority. 	The Act requires close cooperation between the DEAT, DECAS, WCNCB and local authorities.
Mountain Catchment Areas Act (Act 63 of 1970)	Conservation, use, management and control of land situated in declared mountain catchment areas.	<p>The Act has been assigned to a parastatal body i.e. WCNCB with the following functions:</p> <ul style="list-style-type: none"> • declaration of mountain catchment areas (MCA's) on recommendation from Regional Action Committees and the Central Committee for the Delimitation of Mountain Catchment Areas. • facilitate management guidelines for the MCA. 	The Act implies co-operation between various stakeholders with regards to land management which include <i>inter alia</i> the Department of Agriculture, Department of Water Affairs and Forestry, WCNCB, Department of Public Works etc.

SECONDARY

Secondary environmental legislative provisions caters for executive responsibilities/functions performed by other government departments which will (mostly) have an impact on the executive functions as stipulated in column one; it requires a *high* level of cooperation and alignment (administrative processes/streamlining) and reflect the priorities for co-operative governance.

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
<p>Western Cape Planning & Development Act (Act 7 of 1999) (WCPDA)</p>	<p>Regulatory component for environmental impact assessments originally included into the land development programme.</p> <p>This Act sets up the relationship between provincial and municipal planning, provides for provincial and municipal Integrated Development Planning, provides for both provincial and municipal Land Use Planning (spatial planning) as a component of Integrated Development Planning and provides for land use management by municipalities.</p>	<p>The Act has been promulgated but has yet to commence. On commencement, this Act will repeal the Land Use Planning Ordinance, 1985.</p> <p>This Act is extremely relevant to the province as it will replace LUPO (Ordinance 15 of 1985) and the need for any other land use planning legislation such as a national land use bill, the Development Facilitation Act, 1995 (No. 67 of 1995) and the Physical Planning Act, 1991 (No. 125 of 1991). The WCPDA via regulations seeks to achieve integration of land use planning and environmental land development procedures.</p>	<p>The WCPDA fills a critical gap in land use planning legislation after the 1994 election. Its impact could be severely limited by initiatives by national government to legislate on integrated development planning (via the Municipal Systems Act, 2000 (No. 32 of 2000) in Department of Provincial and Local Government) as well as any national Land Use Bill (via the Department of Land Affairs). The WCPDA makes a positive contribution to the planning system. For the first time it introduces mandatory provincial as well as municipal planning. Previously forward planning was an option for a municipality. The WCPDA also builds on mandatory land use management by every municipality — which continues the heritage of the Western Cape as the only province with effective mechanisms to attach a land use to every portion of land within a municipal area.</p> <p>Interestingly, additional types of land use control are suggested in Section 9 of the WCPDA. Importantly, it is made clear that all land, including state land, are subject to municipal land use control. Municipalities are empowered to draft their own by-laws to regulate forward planning as well as land development application procedures subject to provincial minimum regulations. Importantly, an innovative Planning Review Body is introduced to review land use decisions by municipalities.</p>

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
<p>Land Use Planning Ordinance, 1985 (LUPO)</p>	<p>To regulate land use planning & to provide for matters incidental thereto. (This Ordinance provides for the drafting of structure plans, creation of zoning schemes (to govern land use rights throughout the former Cape Province) and land development procedures).</p>	<p>This Ordinance is currently the main instrument that regulates land use in the Western Cape and is administered by the Department Planning, Local Government & Housing. DECAS is a commenting authority.</p>	<p><i>This Ordinance built on previous land use instruments that introduced control over the subdivision of land in the Subdivision Ordinance, 1927 and town planning schemes and procedures in the Township Establishment Ordinance, 1934 (33 of 1934). Ordinance 15 of 1985 introduced structure plans as a tool for land use planning and provided a mandatory mechanism to zone all land in the former Cape Province. It placed the province in the centre of shaping and controlling land use. Municipalities could draft structure plans or zoning schemes, but these were finally approved by the then Administrator (later Premier). Anybody that objected to a particular land use proposal could also appeal against such decision of a municipal council to the then Administrator. This placed significant power in the hands of an individual. Importantly, the Ordinance provided for mechanisms to delegate decision-making powers to municipalities. If a municipality drafted a structure plan, such municipality could gain all decision-making powers to change the use of land in terms of such an approved structure plan. Municipalities without structure plans gained general powers to decide on land use but certain powers was retained at provincial level (e.g. decisions on developments below the 1:50 year flood line, higher density residential development, new business or industrial development and the rezoning of public open space to any other land use).</i></p> <p>More than 256 structure plan exercises was started since 1 July 1986 of different types and boundaries. More than 42 of the former towns succeeded in drafting structure plans and thus gained decision-making powers. Ultimately, the new Constitutional dispensation creates local government as a new sphere of government that must be empowered to administer its own affairs.</p>

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
			<p>The provisions of LUPO that places most decisions on the provincial sphere can no longer be tolerated. New municipal boundaries and experiences since 1986 have exposed LUPO as (a) having an urban biased, (b) its zoning schemes and structure plans as being to rigid and not facilitating enough towards development, (c) not fostering a participation in planning and (d) having limited ability to promote sustainable environmental practices.</p> <p>At the moment, it remains the main instrument for land use planning. This situation must change to suit the new constitutional dispensation — whether by way of a provincial or national law.</p>
Atmospheric Pollution Prevention Act (Act 45 of 1965)	Provide for the prevention of pollution of the atmosphere.	<p>The control of noxious and offensive emissions and dust control is assigned to the DEAT. Control of smoke pollution and vehicular emissions to local authorities.</p> <p>DECAS has an oversight role in terms of section 24 of the Constitution.</p> <p>Scheduled 2 processes in terms of this Act also require approval from the DECAS in terms of the EIA Regulations.</p>	To be analysed.
National Water Act (Act 36 of 1998)	Reform of the law relating to water resources.	<p>Assigned to DWAF and implemented through regional offices.</p> <p>Listed water use activities in terms of section 21 of the Act overlap with EIA regulations under the ECA (1989). Catchment Management requires integrated resource management.</p>	<p>Formal arrangements exist in terms of DECAS representation on the DWAF Licence Advisory Committee for the control of stream flow reduction activities and the DWAF Provincial Liaison Committee.</p> <p>Consultation and exchange of information with regards to the DWAF Strategic Environmental Assessment is adequate. No formal arrangements with regards to functional responsibilities.</p> <p>The DECAS involvement in catchment management is on an ad hoc basis only. Requires high level of alignment of procedures.</p> <p>Consultation & exchange of information not adequate.</p>

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
National Forest Act (Act 84 of 1998)	To control and regulate activities related to the management of indigenous forests, woodlands and plantations in South Africa. Sustainable forest development and management.	The Act is administered by a parastatal body i.e. WCNCB. The establishment of new plantations overlaps with the function of the DECAS as a listed activity in the EIA Regulations. Development of new forestry enterprises in the province requires strong link with the DECAS.	DECAS not represented on or have a formal link with the Committee for Sustainable Forest Management. DECAS should assist in determination of criteria, indicators and standards for sustainable forestry management. No exchange of information between the DWAF and the DECAS. Consultation between the DWAF and DECAS is informal.
Minerals Act (Act 50 of 1991)	Provides for the administration of minerals and mineral development in the country. Environmental Management Programme Reports are required for all mining and prospecting operations. This is to ensure that environmental impacts of all mining operations are managed and that post-closure rehabilitation of mined areas is ensured.	The Act is administered by the Department of Minerals and Energy. Province have a review function with regards to the following: <ul style="list-style-type: none"> • Issuing of mining authorisation (S8) • Rehabilitation of surface land (S38) • Environmental management programme (S39) • Removal of buildings, structures and objects (S40) 	No compliance with ECA regulations in this province. Limited exchange of information. No co-ordinating of actions. Consultation limited.
Conservation of Agricultural Resources Act (Act 43 of 1983)	Control of the utilisation and protection of wetlands; soil conservation and all matters relating thereto; control of weeds and invader plants; prevention of water pollution resulting from farming activities.	National and provincial departments of agriculture administer the Act concurrently. Certain agricultural developments (e.g. breaking of virgin ground) require streamlining with the EIA regulations under the ECA (1989).	
DRAFT National Land Use Bill	This Bill seeks to introduce a new national Bill to regulate land use planning throughout South Africa. Provinces such as the Eastern Cape, North-West and Kwazulu-Natal has various traditional areas with no or duplication land use systems which need to be rationalised. The Bill thus introduces a spatial development framework to deal with land use planning in a municipal area. It further mandates a municipality to create a land use management system which provides for land use rights and land development procedures. It builds on the Development Facilitation Act, 67 of 1995 by introducing 5 planning principles, tribunals as decision making bodies and an appeal tribunal.	This Bill will replace the Development Facilitation Act and the need to have any provincial ordinances or post 1994 provincial planning laws.	The Bill does not foster integration with other legislation dealing with land use, does not provide effective mechanisms for provincial differences or transition of existing land use plans, restricts itself to "land" issues, persists with tribunals as primary decision making bodies when municipalities does not make primary decisions and wants to introduce land use rights across South Africa without any effective mechanism, The appeal tribunal is probably an effective mechanism to get finality on any land use decision. In the case of the Western Cape, this Bill is probably a step backwards in introducing land use planning and does not build upon any new thinking in planning since 1994.

Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
Section 20 of the Environment Conservation Act (Act 73 of 1989)	Waste management (DWAF)	This section of the Act is administered by DWAF. DECAS has an auditing function in terms of the environmental rights. The disposal of waste in terms of this Act also requires approval from the DECAS in terms of the EIA Regulations.	To be analysed
Physical Planning Act (Act 125 of 1991)	Provides for the drafting of Urban as well as Regional Structure Plans. It envisaged a hierarchy of plans (levels of plans) and that lower level plans must be "consistent" with higher-level plans. A particular authority was given the responsibility to adjudicate whether a lower level plan or proposed development was consistent with a particular plan.	<p>This Act replaced the previous Physical Planning Act, 1967 (No. 88 of 1967). It is however not widely used anymore. The products of the previous Act known as "Guide Plans" was however not lost. They were renamed as either "urban structure plans" or "regional structure plans" depending on whether the plan covers a portion of a municipal area or more than one municipal area. The Western Cape thus inherited 10 such structure plans: 2 of which are regional and 8, which are urban.</p> <p>The W Cape requested the national Minister of Land Affairs to assign responsibility for this Act to the W Cape in February 1996. The W Cape's MEC for Planning decided to use the Land Use Planning Ordinance, 1985 to amend these plans. Thus the necessity to continue to utilise the Physical Planning Act to draft or amend these plans became obsolete.</p>	This Act is no longer necessary. The one important aspect of this act was the use of a "consistency ruling" to ensure that different levels of plans are consistent with one another as well as ensuring that land development proposals was in line with a particular plan. The Constitutional framework within which this Act was drafted has significantly changed. South Africa has new municipalities with new boundaries. The WCPDA provides for transitional arrangements to administer the 10 plans until they are replaced by new plans drafted by the new municipalities.
Development Facilitation Act (Act 67 of 1995) (DFA)	The Act regulates the development of land and matters related thereto.	Although this Act states that its principles apply throughout South Africa, the W Cape Province decided in August 1995 NOT to implement the DFA but to amend its own planning legislation to govern planning effectively. The remainder of the DFA has thus not been operationalised in the Western Cape.	

TERTIARY			
Tertiary environmental legislative provisions caters for functions performed by other government departments which <i>may</i> have an impact on the executive functions as stipulated in column one; it indicates the (lower) level of co-operation, does not necessarily require alignment but require awareness			
Legislation	Summary of its content	Relevance to Western Cape	Critical assessment
Advertising on Roads and Ribbon Development Amendment Act (Act 21 of 1940)	Regulate the display of advertisements outside certain urban areas at places visible from public roads, and the depositing or leaving of disused machinery or refuse and erection, construction or laying of structures and other things near public roads, the access to certain land from such roads.	Province assigned responsibility for deposited materials (S8).	
Western Cape Land Administration Act (Act 6 of 1998)	To provide for the acquisition of immovable property and the disposal of land which vests in it by the Western Cape Provincial Government and for matters incidental thereto.	Ensure that department's interests are taken into account in the use and disposal of state land.	Implies link with Provincial Department of Economic Affairs, Agriculture and Tourism
Hazardous Substances Act (Act 15 of 1973)	To provide for the control of substances which may cause injury or ill-health to or death of human beings by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature or the generation of pressure thereby in certain circumstances, and for the control of certain electronic products: to provide for the division of such substances or products into groups in relation to the degree of danger; to provide for the prohibition and control of the importation, manufacture, sale, use, operation, application, modification, disposal or dumping of such substances and products; and to provide for matters connected therewith.	The Department of Health administers this Act. Powers assigned to control the transport of hazardous substances to their areas of jurisdiction. The transportation routes and structures, and manufacturing, storage, handling or processing facilities for any substance that is dangerous or hazardous and is controlled by national legislation also requires approval from the DECAS in terms of the EIA Regulations.	

