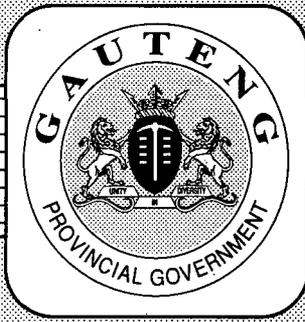


March

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Gauteng Environmental
Implementation Plan
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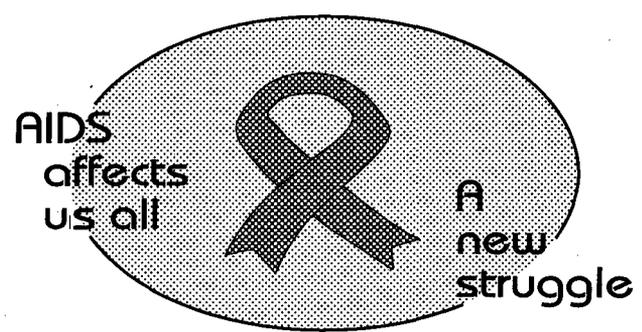
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GENERAL NOTICE

NOTICE 488 OF 2002



GAUTENG ENVIRONMENTAL IMPLEMENTATION PLAN

2001 - 2004

EXECUTIVE SUMMARY**GAUTENG PROVINCE - FIRST EDITION EIP****S1 Purpose of this report**

This report is prepared in order to meet the requirements of the National Environmental Management Act. (NEMA, Act 107 of 1998) in respect of Gauteng Provincial Government's (GPG) obligation to produce an Environmental Implementation Plan (EIP).

S2 Purpose of an Environmental Implementation Plan

The purpose and objectives of an EIP as described in terms of Section 12 of NEMA (hereafter referred to as the Act) is to:

- a. *Co-ordinate and harmonise the environmental policies, plans, programmes and decisions of the various national 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 of provincial and local spheres of government, in order to—*
 - i. *minimise the duplication of procedures and functions; and*
 - ii. *promote consistency in the exercise of functions that may affect the environment;*
- b. *give effect to the principle of co-operative government in Chapter 3 of the Constitution;*
- c. *secure the protection of the environment across the country as a whole;*
- d. *prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and*
- e. *enable the Minister to monitor the achievement, promotion, and protection of a sustainable environment.*

It is important to note that the EIP does not aim to integrate all environmental related decision-making functions but rather to ensure the alignment of policy and procedures related to the environment at national, provincial and local authority levels of government.

S3 Process of EIP preparation

The Gauteng Provincial Government (GPG) consists of 10 departments with a total budget of R 18 181 million in the 2000 – 2001 budget year. In addition to this most national departments have some presence in the province and some, such as the Department of Land Affairs, Department of Water Affairs, Department of Minerals and Energy and the Department of Trade and Industry, are actively involved in delivery activities in the province. In preparing the EIP GPG has been guided by the need to focus its efforts on those activities (policies, plans and programs) of provincial and national government, which will have the most significant environmental impact on the province.

Critical steps in the EIP preparation process are summarised below:

- (a) Submission and approval of cabinet memo to the provincial executive council describing the nature of EIP's and suggesting a process for the preparation of the GPG EIP. Cabinet mandated the MEC for the Department of Agriculture, Conservation Environment and Land Affairs (DACEL) to prepare the EIP on behalf of GPG.
- (b) Holding of an inter-departmental workshop on the GPG EIP process. At the workshop departmental EIP champions were identified. Representatives of environmentally important national departments and metropolitan and service councils also attended the workshop.

- (c) An assessment of the programs of all provincial and important national departments against the key environmental issues facing Gauteng to identify which programs would have significant environmental impacts and thus required further investigation.
- (d) Detailed review of the identified programs to assess environmental compliance and co-ordination issues. Preparation of individual EIP review sheets for significantly environmentally impacting programs.
- (e) Compilation of a draft provincial EIP report summarizing key aspects of the individual department EIP review sheets and providing an overview of GPG environmental aspects.
- (f) Submission and approval of the draft EIP to Provincial Cabinet for initial approval.
- (g) Simultaneous submission of the report for review and comments to
 - CEC sub-committee on EIP/EMP for initial comments.
 - The Gauteng Association of Local Authorities (GALA)
 - All Gauteng Provincial Departments
 - The Gauteng Provincial Legislature Standing Committee for Agriculture, Conservation, Environment and Land Affairs.
 - The Gauteng Provincial Executive Council
- (h) Incorporation of amendments and submission of a finalised GPG EIP to the Provincial Cabinet and CEC for approval and forwarding to the Minister of Environmental Affairs and Tourism.

GPG will update the EIP in future years and will report on the implementation of the EIP annually, as is required in terms of Section 16 (1) (b) of the Act.

S4 Conclusions

The preparation of the first Edition GPG EIP has facilitated the alignment of policies and programmes around environmental issues within GPG. The EIP also serves as the basis for the continued integration of activities by GPG in order to halt further deterioration in the State of the Environment as a result of development pressures, and to facilitate rehabilitation and improvement in the State of the Environment over time.

The policies, plans, programmes and decisions of the GPG broadly comply with the principles and intent of NEMA. The activities of GPG also progressively aim to ensure the sustainable development of the Province.

Provincial compliance with the EIA authorisation requirements is very high. The GPG will further progressively put in place management systems for the evaluation of provincial government's activities and their compliance with NEMA principles.

The preparation of the first GPG EIP has highlighted both the strengths and the weakness of existing compliance with NEMA. Recommendations on how to improve problem areas and to build on good practice have been provided in the EIP. Performance indicators for EIP implementation have also been generated.

Co-operative governance arrangements between all three spheres of Government of relevance to environmental issues within Gauteng operate relatively well. No significant redefining of national and provincial co-ordination mechanisms is therefore considered warranted. In terms of Section 139 of the Constitution, Provincial Government is required to supervise Local Government obligations in terms of legislation. Through institutional arrangement for Co-operative Governance the GPG therefore will ensure there is progressive implementation of the EIP at Local Government level.

S5 Key recommendations

Detailed recommendations aimed at improving the compliance of GPG with NEMA principles and in respect of intergovernmental co-ordination have been provided in section 5.

The key recommendations are listed below:

- (i) Consideration of NEMA principles and sustainable development issues will be made an explicit requirement of policy and legislation development
- (ii) The business plans of significantly environmental impacting departments viz. the Department of Agriculture, Conservation, Environment and Land Affairs (DACEL), the Department of Transport and Public Works (Gautrans), the Department of Development Planning and Local Government (DPLG), and the Department of Housing (DoH) will in future include a formal review of NEMA compliance, prior to approval by provincial cabinet.
- (iii) No new inter-departmental environmental co-ordination mechanisms are required.
- (iv) DACEL will be responsible for the updating of the EIP every fourth year as required in terms of Section 11(1) of NEMA.
- (v) All Provincial Departments are responsible for implementation of EIP recommendations relevant to them.
- (vi) Metropolitan and District Councils are responsible for the implementation of EIP recommendations relevant to them.
- (vii) Provincial Departments, Metropolitan and District Councils should provide annual updates to DACEL in respect of EIP compliance, within two months of the end of the financial year.

FIRST EDITION GAUTENG EIP

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- 1 EIP legislation from NEMA
- 2 Environmental issues checklist

ACKNOWLEDGEMENTS

This report is the culmination of many inputs and the effort of all those involved in the GPG EIP process is acknowledged with thanks.

In particular we would like to thank the individual departmental EIP champions and the members of the Environment directorate who did much of the preparatory work in compiling this report.

The constructive input of the members of the CEC working group is also appreciated.

LIST OF ABBREVIATIONS

CEC	Committee for Environmental Co-ordination
DACEL	Department of Agriculture Conservation, Environment and Land Affairs
DEAT	Department of Environment Affairs and Tourism (national govt.)
DLA	Department of Land Affairs (national govt.)
DME	Department of Minerals and Energy (national govt.)
DoH	Department of Housing (provincial govt.)
DPLG	Development Planning and Local Government (provincial govt.)
DWAF	Department of Water Affairs and Forestry (national govt.)
ECA	Environmental Conservation Act (Act 73 of 1989)
EIA	Environmental Impact Assessment
EIP	Environmental Implementation Plan
EMP	Environmental Management Plan
EMPR	Environmental Management Programme Report – as required in terms of the Mineral Act
GICD	Gauteng Inter-departmental Curriculum Development committee
GPG	Gauteng Provincial Government
GSDF	Gauteng Spatial Development Framework
IEM	Integrated Environmental Management
l.a.	Local Authority
LDO	Land Development Objective
IDP	Integrated Development Plan
NEMA	National Environmental Management Act (Act 107 of 1998)
Minmec	Meeting of the National Minister and Provincial MEC's
SD	Sustainable development

SECTION 1 INTRODUCTION

1.1 Purpose of this report

This report is prepared in order to meet the requirements of the National Environmental Management Act (NEMA, Act 107 of 1998) in respect of Gauteng Provincial Government's requirement to produce an Environmental Implementation Plan (EIP).

The report will be submitted to the Committee for Environmental Co-ordination (CEC) who will forward recommendations as to the acceptability of the EIP to the national Minister for Environmental Affairs and Tourism.

1.2 Background

One of the major criticisms of environmental governance in the past was the lack of an integrated and co-ordinated approach by government. This issue was explicitly addressed in the National Environmental Management Act (NEMA) (Act No. 107 of 1998) which aims to:

"Provide for co-operative environmental governance by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith." NEMA, long title to the Act

A key element in the effort to co-ordinate environmental governance is the requirement that relevant authorities prepare Environmental Implementation and/or Management Plans (EIPs and EMPs) in order to co-ordinate and harmonise activities and functions which may affect the environment.

1.3 Purpose of an Environmental Implementation Plan

The purpose and objectives of an EIP as described in terms of Section 12 of NEMA (hereafter referred to as the Act) is to:

- a. *coordinate and harmonise the environmental policies, plans, programmes and decisions of the various national 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 of provincial and local spheres of government, in order to—*
 - i. *minimise the duplication of procedures and functions; and*
 - ii. *promote consistency in the exercise of functions that may affect the environment;*
- b. *give effect to the principle of co-operative government in Chapter 3 of the Constitution;*
- c. *secure the protection of the environment across the country as a whole;*
- d. *prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and*
- e. *enable the Minister to monitor the achievement, promotion, and protection of a sustainable environment.*

It is important to note that the EIP does not aim to integrate all environmental related decision-making functions but rather to ensure the **alignment** of policy and procedures related to the environment at national provincial and local authority levels of government.

1.4 Legislative framework for EIPs

The full text of the sections of NEMA relevant to EIP's and the so-called NEMA principles are included in Appendix 1, important aspects are summarised below.

Chapter 3 of NEMA deals with procedures for co-operative governance around environmental management. Section 11 of the act requires certain national departments and provinces to submit EIPs and/or EMPs, while section 15 requires that these plans be submitted to the Committee for Environmental Co-ordination (CEC) for scrutiny and adoption. Section 12 outlines the purposes of these plans, while Sections 13 and 14 describe the content of EIPs and EMPs, respectively. Finally Section 16 of NEMA specifies the requirements for compliance and mechanisms for conflict resolution around the adoption of these plans.

In terms of schedule 1 of the Act all provinces are required to compile EIPs.

The first EIP was submitted to DEAT by March 30 2001 as required. The EIP must be revised every four years thereafter. Reports as to the status of implementation of the EIP must be submitted to DEAT every year within 4 months of the end of the financial year.

The adopted EIP is binding on all organs of state affected by it and such organs must exercise their functions substantially in accordance with the EIP. Where an organ of state is shown to be failing to comply with an approved EIP, and where negotiations around the matter have failed the Director General of the Department of Environment Affairs and Tourism (DEAT) may ask the Minister of Environment Affairs and Tourism to intervene in accordance with section 100 of the Constitution.

The EIP is also binding on local authorities and it is the duty of province to ensure that local authorities comply with the approved provincial EIP. Local authorities are not required to compile their own EIPs or EMPs.

In addition to the Act, DEAT has published a Guideline for the preparation of the first edition environmental implementation plans and environmental management plans, which has been used in the preparation of this report.

The deliberations of the EIP/EMP sub-committee of the CEC have also influenced the nature and structure of the GPG EIP.

1.5 Process of EIP preparation

The Gauteng Provincial Government (GPG) consists of 10 departments with a total budget of R 18 181 million in the 2000 - 2001 budget year. In addition to this most national departments have some presence in the province and some such as the Department of Land Affairs, Department of Water Affairs, Department of Minerals and Energy and the Department of Trade and Industry are actively involved in delivery activities in the province. In preparing the EIP GPG has been guided by the need to focus its efforts on those activities (policies, plans and programs) of provincial and national government which will have the most significant environmental impact on the province.

Critical steps in the EIP preparation process are summarised below:

- (a) Submission and approval of cabinet memo to the provincial executive council describing the nature of EIP's and suggesting a process for the preparation of the GPG EIP. Cabinet mandated the MEC for the Department of Agriculture, Conservation Environment and Land Affairs (DACEL) to prepare the EIP on behalf of GPG.
- (b) Holding of an inter-departmental workshop on the GPG EIP process. At the workshop departmental EIP champions were identified. Representatives of environmentally important national departments and metropolitan and service councils also attended the workshop.

- (c) An assessment of the programs of all provincial and important national departments against the key environmental issues facing Gauteng to identify which programs would have significant environmental impacts and thus required further investigation.
- (d) Detailed review of the identified programs to assess environmental compliance and co-ordination issues. Preparation of individual EIP review sheets for significantly environmentally impacting programs.
- (e) Compilation of a draft provincial EIP report summarizing key aspects of the individual department EIP review sheets and providing an overview of GPG environmental aspects. These are included in Appendices 3, 4 and 5 for information purposes only.
- (f) Submission of the draft EIP to the relevant Provincial cabinet sub-committee for initial approval.
- (g) Simultaneous submission of the report for review and comments to:
- CEC sub-committee on EIP/EMP for initial comments.
 - The Gauteng Metropolitan and District Councils
 - All Gauteng Provincial Departments
 - The Gauteng Provincial Legislature Standing Committee for Agriculture, Conservation, Environment and Land Affairs.
 - The Gauteng Provincial Executive Council
- (h) Incorporation of amendments and submission of a finalised GPG EIP to the Provincial Cabinet and CEC for approval and forwarding to the Minister of Environmental Affairs and Tourism.

GPG will update the EIP in future years and will report on the implementation of the EIP annually, as is required in terms of Section 16 (1) (b) of the Act.

1.6 Structure of this report

This report is structured broadly in accordance with the guidelines provided by DEAT in the EIP guideline document.

The document is a strategic over view of NEMA compliance and serves as a basis for detailed work with line function departments. The report is a summary of the findings of the EIP review sheets for the individual provincial departments, for detailed review of aspects relating to a specific department please see the relevant appendix.

Section 1 Introduction

- A brief review of the purpose of the document
- The legal framework for EIP's
- The process of EIP preparation

Section 2 Mandate and functions

- Provincial governments vision and mission
- Critical policy, legislation and procedures

Section 3 Institutional arrangements

- The structure of provincial government
- Co-ordination mechanisms

Section 4 Environmental review

- Based on an analysis of the EIP review sheets Tables 4.2 to 4.9 have been compiled which summaries the key environmental impacts/management activities, legislation and NEMA compliance issues for the most significantly impacting departments.
- A strategic review of the significant issues raised on consideration of the EIP review sheets.

Section 5 Targets and indicators for EIP performance

- Summary of targets and indicators for EIP performance compliance and sustainable development.

Section 6 Sustainable development issues

- Discussion on the issue of sustainable development and it's monitoring in GPG.

Section 7 Conclusions and key recommendations

SECTION 2 MANDATE AND FUNCTIONS

2.1 The vision and mission of the Gauteng Provincial Government

Gauteng Provincial Government is committed to achieving sustained economic growth and development and will play its part in meeting national objectives. In addition Gauteng Province's strategic policy objectives are:

- The promotion of growth through investment in strategic economic infrastructure that seeks to shift the current trajectory of the Gauteng economy over the medium to long term.
- Prioritisation of the improvement of integrated social service delivery.
- A commitment to invest in social infrastructure, especially in health, education, sports and roads.
- The implementation of a shared service center for support functions within the GPG.

Further GPG is focusing on:

- The accelerated economic growth and development of Gauteng by addressing basic needs and ensuring job creation.
- Quality social service delivery.
- Good Governance.

2.2 Policy and legislative framework

(i) Introduction *→ Boud*

The following analysis serves to summarise the critical policy and legislative issues relevant to the GPG EIP. Policy and legislation relevant to specific impacting activities are indicated in the specific EIP review sheets included in the appendices.

(ii) The Constitution

Provincial government derives its powers and functions from the Constitution of the Republic of South Africa. Gauteng Province has not passed its own Constitution.

The functional areas of concurrent national and provincial legislation are listed in schedule 4 of the Constitution. Areas of specific relevance to environmental issues are listed in Box 2.1.

Functional areas of exclusive provincial competence are listed in schedule 5 of the Constitution. Aspects relevant to environmental issues are summarized in Box 2.2.

In respect of environmental performance the following sections of the Bill of Rights (Chapter 2 of the Constitution) are considered particularly important:

- Section 24 – Environment
- Section 26 – Housing
- Section 27 – Health care, food, water and social security
- Section 32 – Access to information
- Section 33 – Just administrative action

On reviewing the above it is obvious that the Provincial Government's role in environmental matters is wide ranging. It must however also be noted that while many activities of government will have an environmental influence, responsibility for some of these activities

rests primarily with the National (e.g. mining) and local government (e.g. local planning). In these cases the role of provincial government becomes one of facilitation and/or co-ordination and/or supervision rather than implementation.

(iii) Policy

In light of the many roles which provincial government plays it is influenced by many policies. Some of the more critical policies, which are relevant to environmental activities, are listed in Box 2.3.

The National Environmental Management policy is the most significant policy with respect to the EIP process.

The Province participates in all national processes of policy development relevant to the environment and therefore does not envisage the publication of provincial environmental policy. Provincial procedures interpreting national policy have been formulated and are used for environmental decision making.

(iv) Legislation

A vast number of pieces of legislation are in effect within the province. Legislation exists at all spheres of government (national, provincial, and local) and legislation relating to parastatals e.g. Telkom, also has impacts on the environment of the Province.

Some of the more important environmental legislation or legislation containing important implications for environmental management within the province is listed in Box 2.4.

(v) International treaties

South Africa is a signatory to a range of international treaties that impact on the environment. Some of the more important of these are listed in Box 2.5. National departments generally carry out reporting on compliance with international treaties.

2.3 Functions

The functions of the GPG are derived directly from its mandate as described above. Table 4.1 list the departments in GPG. The visions of the key impacting departments, which provide an indication of the functions of the departments are included in the Tables 4.3 to 4.9 Specific department functions that have a significant environmental impact are discussed in the relevant departmental EIP review tables.

The functions of local government will not be described in this report, co-ordination aspects with local governments relevant to provincial functions are described in the EIP review tables and in Section 3.4.

The functions of national departments operating within the province are similarly not described in this report, for this information please refer to the EIP/EMPs of the relevant national department. Significant environmentally impacting activities of these departments are however highlighted in the EIP review sheets.

Box 2.1 Environmentally related areas of concurrent national and provincial competence

- Agriculture
- Environment
- Health services
- Housing
- Nature conservation
- Pollution control
- Regional planning and development
- Soil conservation
- Tourism
- Disaster Management
- Air pollution *

* As defined in Part B of Schedule 4 these are also local authority matters

TABLES

Box 2.1. Cont. Environmentally related areas of concurrent national and provincial competence

- Stormwater management systems in urban areas *
- Municipal Planning *
- Water and sanitation services limited to potable water supply systems and domestic waste-water and sewerage disposal system *

* As defined in Part B of Schedule 4 these are also local authority matters

Box 2.2. Environmentally related areas of exclusive provincial legislative competence

- Provincial planning
- Cleansing
- Municipal parks and recreation *
- Noise pollution*
- Refuse removal, refuse dumps and solid waste disposal*

* As defined in Part B of Schedule 5 these are also local authority matters

Box 2.3 Key policies with environmental aspects affecting provincial government

- White paper on Environmental Management Policy (May 1998)
- White paper on Integrated Pollution and waste management for South Africa (May 2000)
- White paper on Conservation and sustainable use of South Africa's Biological diversity (July 1997)
- Draft White Paper on Spatial Planning and Land use Management (March 2001)
- White paper on Housing (December 1994)

Box 2.4 Key legislation with environmental aspects relevant to the province

- National Environmental Management Act (107 of 1998)
- Environment Conservation Act (73 of 1989)
- Atmospheric Pollution Prevention Act (45 of 1965)
- Hazardous Substances Act, 1973
- National Water Act (36 of 1998)
- Conservation of Agricultural Resources Act (43 of 1983)
- Development Facilitation Act (67 of 1995)
- Development Facilitation Regulations (R6709)
- Local Government Municipal Systems Act (32 of 2000)
- Local town planning ordinances (various)
- Less Formal Township Establishment Act (113 of 1991)
- Subdivision of Agricultural Land Act (70 of 1970)
- World Heritage Convention Act (1999)
- National Heritage Resources Act (11 of 1999)
- Minerals Act (50 of 1991)
- Transvaal Nature Conservation Ordinance (12 of 1983)
- Environmental Impact Assessment regulations (R 1182 and R1183 of the ECA)
- Gauteng Province Noise Control (PN 75 of 1999)

Box 2.5 Key international treaties relevance to environmental management in the Province

- Agenda 21 – Rio Convention
- Convention on Biological Diversity
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)
- Convention on Wetlands (Ramsar)
- Biosafety Protocol
- World Heritage Convention
- Convention for the Protection of the Ozone layer
- Convention on Prior Informed Consent (PIC)
- Convention on the Control of the Trans-Boundary Movements of Hazardous Wastes and Disposals (Basel Convention)
- Kyoto Protocol
- Montreal Protocol on Substances that deplete the Ozone Layer
- Persistent Organic Pollutants (POP's)
- United Nations Framework Convention on Climate Change (UNFCC)
- Convention on Human Settlements (HABITAT)

SECTION 3 INSTITUTIONAL ARRANGEMENTS

3.1 The structure of provincial government

Provincial government consists of the Provincial Legislature and the Provincial Executive which operate as defined in Chapter 6 of the Constitution.

(i) The Gauteng Provincial Legislature

Based upon elections appropriate persons are granted seats within the Gauteng Provincial Legislature.

From the legislature the Premier and an Executive Council is chosen. Members of the Executive Council are appointed as the political heads of the various provincial departments. Activities of the provincial departments are ultimately co-ordinated through the Provincial Cabinet and the Cabinet sub-committees established to facilitate its work.

Within the legislature various Standing Committees (the provincial equivalent of the national portfolio committees) are selected. The Standing Committees have oversight function on the provincial departments and facilitate public involvement in matters relating to their focus.

(ii) The Gauteng Provincial Executive

As discussed above provincial government is divided into various departments. The departments are listed in Table 4.1.

3.2 Co-ordination mechanisms within Provincial Government

General co-ordination mechanisms are described below, for more details please refer to the EIP review sheets.

(i) Co-ordination associated with the Legislature

Within the Gauteng Legislature the Standing Committee for Agriculture, Conservation, Environment and Land Affairs has legislative powers and administrative oversight for

environmental matters. This committee also facilitates public involvement in environmental management issues. Public involvement is encouraged through the opportunity for public input at Standing Committee meetings, and specific public hearings and/or workshops as deemed appropriate by the legislature. For example during 2000 the Standing Committee ran a series of workshops on the National Environmental Management Act and the Provincial Noise Regulations.

(ii) Co-ordination within the Gauteng Provincial Executive

Formal co-ordination between Provincial departments on all matters, including environmental issues, occurs through the following structures. The frequency of meetings where this is set is indicated in brackets:

- Provincial cabinets (fortnightly)
- Cabinet sub-committees (fortnightly)
- Heads of department meetings (monthly)

The Cabinet sub-committee for Growth and Development which the departments of Development Planning and Local Government, Housing, Public Works and Transport, Finance and Economic Affairs and the Department of Agriculture, Conservation, Environment and Land Affairs attend is a particularly important forum for co-ordination around issues that affect the environment.

In addition to the above structures co-ordination mechanisms are established around specific provincially important issues. No specific environmental co-ordination committee has been established within provincial government. Provincial government has chosen to place environment as an issue in all relevant forums and to establish project specific environmental co-ordination mechanisms only as, and when the need arises e.g. the EIP task team.

Co-ordination mechanisms which address environment include:

- Gauteng Spatial Development Framework/ Integration of Plans Joint Steering Committee
- LDO Implementation Support (LIST) committee
- Provincial Housing Task
- Provincial Road Network committee
- Gauteng Land Committee

Not

3.3 Co-ordination mechanisms with national government departments

(i) DEAT and Provincial environmental agencies

Co-ordination with DEAT and other provincial environmental agencies occurs through the following mechanisms:

- MINMEC – Minister and Provincial MECs Meeting (quarterly)
- MINTECH – Technical committee for MINMEC (quarterly)
- MINTECH Working Groups
- CEC - Committee for Environmental Co-ordination – 10 national departments and representatives of local government also attend (quarterly)
- CEC sub-committees on – Biodiversity and heritage, impact management (including pollution and waste), sustainable development (including Agenda 21 implementation, environmental monitoring and reporting, and environmental capacity development) (quarterly)
- Various CEC sub-committees e.g. EIP and EMPs sub-committee

(ii) Other national departments

Other important co-ordinating structures include:

- Steering Committee to address the environmental impacts of mining – facilitatory role of the Province involving all stakeholders
- Working Groups to address the environmental impacts of mining – Technical and Information Working Groups reporting to the Steering Committee above
- MINMEC – for each of the National Departments of Agriculture, Land and Water Affairs and Forestry

- MINTECH – for the above
- MINTECH Working Groups
- Regional DME forums - to discuss mining related environmental issues (quarterly)
- DWAF Provincial Liaison Committee – to discuss water issues (quarterly)
- Bilateral co-ordination meetings with the Provincial Office of the Department of Land Affairs – to discuss land matters (monthly)

3.4 Co-ordination mechanisms with local government

The Gauteng Provincial Government interacts with Local Authorities through the Gauteng Intergovernmental Forum (GIGF) which meets biannually. Further co-ordination is sector or issues based. Environmental issues are also placed on the agenda of other provincial-local authority co-ordination structures when appropriate.

Important structures for co-ordination with local authorities include the following:

- Provincial Waste Forum – deals with waste disposal issues (quarterly)
- Gauteng Spatial Development Framework/ Integration of Plans Joint Steering Committee
- LDO Implementation Support (LIST) committee
- Provincial Housing Task Team
- Provincial Road Network committee
- Gauteng Land Committee

3.5 Environmental Impact Management Co-ordination

(i) EIA co-ordination

Provincial government is the responsible authority for environmental impact authorizations within Gauteng. Co-ordination around EIA applications is considered critical and this is obtained by providing relevant authorities the opportunity to comment on applications that affect their mandates.

The following authorities are consulted as required on applications:

- Relevant local authority – comment from the local authority is required for every application
- DWAF
- Provincial Department of Health
- DEAT Air pollution control
- South African Heritage Resource Agency

A memorandum of understanding between the DACEL and the provincial Roads agency, Gautrans, has been developed which outlines the environmental requirements for the planning, design and construction of provincial roads.

(ii) Other impacting activities

(a) Decision hierarchy

Within the province a broad hierarchy of decision making around provincial land use approvals exists. The general hierarchy of decision making is as follows:

- NEMA EIA / Land use application – Approval with respect to natural resource base and living environment impacts (DACEL)
- Development planning considerations with respect to provincial policy frameworks such as the Gauteng Spatial Framework, DFA principles and Integrated Development Plans
- Line function approval – Approval with respect to legislative requirements, if any, of line function department

(b) LDO and IDP comments

DACEL as the provincial environmental authority also provides extensive comments on the Land Development Objectives and Integrated Development Plans submitted by local authorities to Province for approval.

(c) Other activities

In addition to the EIA requirement local authorities, the development planning tribunals and national departments such as DME, DWAF and DLA are required to forward specified development applications to the DACEL for comment. DACEL reviews these applications and follows up on the implementation of its recommendations as required.

SECTION 4 ENVIRONMENTAL REVIEW *— Start checking here***4.1 Introduction**

As discussed in section 1 the EIP is intended to harmonize the significant environmentally impacting/managing activities of government.

In order to establish which provincial government activities would give rise to significant environment impacts the programs of all provincial departments as described in the 2000 – 2001 Provincial Budget Statement 2 were assessed against the identified key environmental issues of the province. Key national departments that operate in the province were also reviewed.

A summary of the significant environmental issues used in the assessment is included in box 4.1. The checklist used for assessment purposes is included in appendix 2. The significant environmental issues were identified based on the GPG Preliminary State of Environment report produced in 1998 and the experience of DACEL.

Table 4.1 lists which departments and organisations were assessed and which departments were considered further by the completion of EIP review sheets and summary tables.

Table 4.1 also indicates the activities of the various departments and organization which were identified as being significantly impacting on the environment and thus warranting further investigation. For those activities that were identified as being significantly impacting Environmental Implementation Plan review sheets were completed for each of these organizations the results of which are included in summary tables 4.3-4.9

Table 4.2 is a blank copy of the EIP review sheet that indicates how the review sheets addresses the legislative requirements of the EIP process.

To a large degree the review sheets are the core of the EIP exercise as it is through an analysis of these that the issues around co-ordination and compliance to NEMA principles and legislation is explored.

During the assessment provincial activities that would be regarded as environmental management activities were also identified and EIP review sheets were also completed for these activities. The environmental management activities performed by the province are primarily focussed within the DACEL. The EIP summary table for DACEL is included as Table 4.9.

The EIP review sheets (not included) will be used by each GPG department to establish department specific EIP compliance work plans.

Section 4.2 contains summary tables compiled from the EIP review sheets for the key environmental impacting departments in the province.

Sections 4.3 to 4.12 provide readers with a strategic overview of the findings of the EIP review sheet analysis and the preceding sections. The overview is structured in terms of the broad functions of the provincial government viz. policy and legislation development, planning, infrastructure development, and operation and maintenance rather than an analysis of individual departments. The summary focuses on environmental co-ordination mechanisms, compliance with NEMA principles and recommendations for improved co-ordination.

Box 4.1 Checklist of key environmental issues in Gauteng used for screening purposes

1. MEETING BASIC NEEDS/POVERTY ALEVIATION

A cross-cutting theme of much GPG work

2. BASIC SERVICE PROVISION

(water, sanitation, electricity)

3. AIR POLLUTION

- Industrial sources (power generation and industry)
- Household related (burning coal, wood etc)
- Transport related (roads and vehicles)

4. WATER POLLUTION (Surface and groundwater)

- Diffuse pollution (stormwater runoff)
- Point source discharges (waste water plants and industry)
- Mining related

5. URBAN SPRAWL

- Loss of sensitive habitats (wetlands, grasslands – resulting in loss of bio-diversity)
- Loss of high potential agricultural land
- Loss of open space

6. WASTE MANAGEMENT

- Hazardous waste
- Medical waste
- General waste

7. EMPOWERMENT OF THE PUBLIC AND LOCAL AUTHORITIES IN ENVIRONMENTAL ISSUES

8. AESTHETIC DEGREDATION

9. LOSS OF CULTURAL RESOURCES

Table 4.1 GAUTENG EIP STATUS SUMMARY

DEPARTMENT/ ORGANISATION	EIP ISSUES CHECKLIST REVIEW	PROGRAMME IDENTIFIED FOR FOLLOW UP	EIP SUMMARY TABLE
Office of the Premier	✓	None	X
Finance and Economic Affairs	✓	Each Blue IQ/SEIIP project	Table 4.3
Health	✓	All	Table 4.4
Education	✓	Public ordinary school Education	Table 4.5
		Technical College	Table 4.5
Social services and Population development	✓	Social security	X
		Social development	X
		Social assistance and welfare services	X
Housing	✓	Project management/housing delivery	Table 4.6
Development Planning and local government	✓	Development Planning Bill	Table 4.7
		Disaster management	Table 4.7
		CMIP	Table 4.7
		Transformed local government	Table 4.7
		Monitoring GSF and LDO's/IDP's	Table 4.7
Transport and public works	✓	Planning	Table 4.8
		Design	Table 4.8
		Construction	Table 4.8
		Maintenance	Table 4.8
		Transport Engineering	Table 4.8
		Professional services (Public works)	Table 4.8
		Construction (Public works)	Table 4.8
		Maintenance (Public works)	Table 4.8
		Public assets	Table 4.8
Safety and Liaison	✓	None	X
DACEL: Agriculture	✓	All	Table 4.9
DACEL: Conservation	✓	All	Table 4.9
DACEL: Environment	✓	All	Table 4.9
DACEL: Vets	✓	None	X
DACEL: World Heritage Site	✓	All	Table 4.9
DACEL: Dinokeng/NEGI	✓	All	Table 4.9
Sports, Recreation Arts and culture	✓	Integrated lead projects	X
Land Affairs	✓	Land tenure and reform	

DEPARTMENT/ ORGANISATION	EIP ISSUES CHECKLIST REVIEW	PROGRAMME IDENTIFIED FOR FOLLOW UP	EIP SUMMARY TABLE
(national)			
Water Affairs and Forestry (national)	✓	Water quality and supply	
Minerals and Energy (national)	✓	Mine rehabilitation	
		Prospecting and mining rights	

Legend:

✓ Undertaken

x No EIP review sheet or table produced or required

**TABLE 4.2 GAUTENG ENVIRONMENTAL IMPLEMENTATION PLAN
REVIEW SHEET**

LEGAL COMPLIANCE COMPARISON

DEPARTMENT	NEMA section 13 (1) (a). Only departments which may significantly affect the environment were reviewed..					
PROGRAMME	NEMA section 13 (1) (a). Only programmes of departments that may significantly affect the environment were reviewed					
SUB-PROGRAMME/ BUSINESS PLAN						
SUB-PROGRAMME DESCRIPTION						
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITIES	NEMA section 13 (1) (a). Only departments that may significantly affect the environment were reviewed..					
LINKS AND CO- ORDINATION WITH NATIONAL GOVERNMENT	NEMA section 12 (a) and (b).					
LINKS AND CO- ORDINATION WITH OTHER PROVINCIAL GOVERNMENT DEPTS	NEMA section 12 (a) and (b).					
LINKS AND CO- ORDINATION WITH LOCAL GOVERNMENT	NEMA section 12 (a) and (b).					
RELEVANT ENV LAW OR STANDARD OR GUIDELINE	DESCRIPTION	CURRENT STATUS IRO COMPLIANCE WITH & REASONS	TARGET S	ACTIVITY TO ACHIEVE TARGETS	TIME FRAM E	KP I
Sustainable Development Integration of environmental considerations into development decision-making	NEMA section 13 (1) (b) and (c)					

Participation, empowerment, transparency	Executive summary Table of Contents Acknowledgements List of abbreviations
Environmental justice and equity	
Ecological integrity	
International responsibilities	
GENERAL COMMENTS	

4.2 EIP summary tables

Based on a review of the preceding sections and the EIP review sheets a series of tables have been compiled which summarise the key environmental impacts/management activities, legislation and NEMA compliance issues for the most significantly impacting departments.

Table 4.3 Department of Finance and Economic Affairs

DEPARTMENT	Finance and Economic Affairs
VISION	To be a financially well managed provincial government that effectively contributes to the economic development of Gauteng and South Africa
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITIES	The ten Blue IQ Project, provincial Spatial Development Initiatives have a range of environmental impacts dependent on the nature of the project. The projects are: <ul style="list-style-type: none"> • High Speed Rail System, Jhb – Pretoria • Alberton – Alrode urban/industrial regeneration • Rosslyn auto cluster development • City Deep Container Port, Jhb • Constitution Hill, Jhb • Innovation Hub, Pretoria • Jhb International Airport Economic Zone • New Town Cultural Precinct, Jhb • North East Gauteng Initiative (Dinokeng) • Cradle of Humankind, World Heritage Site
ENVIRONMENTAL CO-ORDINATION MECHANISMS	Project specific co-ordination mechanisms have been developed involving DACEL, local authorities and where necessary national departments.
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • EIA compliance required and obtained for all relevant project components • Atmospheric Pollution Prevention Act approval obtained as relevant. • DWAF Minimum Standards for Waste Disposal considered as relevant. • Provincial and local authority noise regulations complied with as required. • Local authority planning regulations as relevant • World Heritage Site Convention Act compliance required and ensured for Cradle of Human Kind Project. • Conservation Ordinance complied with as appropriate in Dinokeng project. • No environmental approvals given
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • Considered primarily through EIA process and authority review in terms of NEMA principles and provincial sustainable development objectives. • Sustainable development issues key themes in the Dinokeng and Cradle of Human Kind projects.

Table 4.4 Department of Health

DEPARTMENT	Health
VISION	"Health for a better life".
KEY ENVIRONMENTAL IMPACTING/MANAGING ACTIVITIES	<ul style="list-style-type: none"> • Provision of health care services • Provision and upgrading of health care facilities • Maintenance and operation of health care facilities • Disposal of medical waste • Disease surveillance • Training health care personnel • Environmental health management • Licensing private health care facilities
ENVIRONMENTAL CO-ORDINATION MECHANISMS	<ul style="list-style-type: none"> • Co-ordination with Dept. Public Works and DACEL on facilities requiring EIA authorisation • Co-ordination with National Health Department: issue based committees / fora are ongoing • Provincial health: National Health: Department of Labour: Issues dealing with occupational health • Co-ordination with DACEL on medical waste and environmental issues • Co-ordination with Local Authorities: environmental health; primary health care services, and disaster management • Notification procedures (eg food/ chemical poisoning) usually in collaboration with National Health. • Outbreak response team in Province
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • EIA authorisation obtained as required • Occupational Health: in addition to the department complying to the OHS Act requirements, focus is given to the informal sector as well as marginalized communities (ex-workers) • Notification in terms of the Compensation of Occupational Injuries and Diseases Act • License all health care facilities: • License in terms of the Hazardous substance regs
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • Provision of effective health services improves quality of life and promotes sustainable development • Improving primary health care services • Implementation of EIA process as required ensures compliance with NEMA principles

Table 4.5 Department of Education

DEPARTMENT	Education
VISION	Smart service delivery of quality public education, which promotes a dynamic citizenship for socio-economic growth and development in Gauteng and South Africa. The department aims to be at the cutting edge of curriculum delivery and will provide access to quality lifelong learning opportunities. The above will be shaped by the principles of transformation, equity, redress and Ubuntu.
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITES	<ul style="list-style-type: none"> • Provide and upgrade the minimum level of basic amenities i.e. water, electricity and sanitation to all schools. • To provide sufficient and effective learning and related spaces, renovate and maintain all existing structures and to upgrade and provide basic amenities such as water, sanitation and electricity • To promote the development of the subject expertise methodology performance of educators through the Teaching and Learning Services. • To implement effective and efficient Curriculum management systems that will ensure equitable curriculum provisioning and effective and efficient school-based management system. • To provide educational support to reduce and curb the spread of HIV/AIDS. • To provide education and instruction of pupils in public pre-primary, primary and secondary schools.
ENVIRONMENTAL CO-ORDINATION MECHANISIMS	<ul style="list-style-type: none"> • Facility construction and service upgrading – project specific • Curriculum development through Gauteng Integrated Curriculum Development committee (GICD)
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • Need to comply with EIA requirements for facility construction and service upgrading – level of compliance to be established • DWAF Minimum Standards for Waste Disposal – 100 % compliance in facilities where infrastructure is in place, in other facilities compliance may be below standard • Health Act and bylaws – facilities constructed to legal requirements • No environmental approvals given.
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • Sustainable development issues, environmental rights and NEMA issues being mainstreamed in curriculum development • Improvement in facilities aimed at improving environmental quality for learners • Other principles addressed through EIA process

Table 4.6 Department of Housing

DEPARTMENT	Housing
VISION	The department strives to develop viable and sustainable communities through the promotion and provision of tenure, services and homes.
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITES	<ul style="list-style-type: none"> • The funding and implementation of well planned tenure and housing schemes meets basic needs and improves the quality of life of affected parties. • Unplanned or poorly planned settlements often give rise to environmental impacts such as water pollution and soil erosion e.g Alexandra, Jhb.
ENVIRONMENTAL CO-ORDINATION MECHANISIMS	<ul style="list-style-type: none"> • DACEL's GOSP project is used as a first level of screening for site identification for provincially funded projects. • DACEL participation in EIA process. • Liaison with between provincial and national department of Housing with respect to Habitat Convention issues.
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • The need for housing is stressed in Agenda 21, the Habitat Convention and The Constitution. • EIA compliance as required • Co-ordination with local authorities to ensure waste disposal and acceptable levels of services are provided dependant on the nature of the project. • No environmental approvals given.

COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • Most aspects addressed through EIA process. • Well planned tenure upgrading and settlement projects major contributors to the achievement of sustainable development. • Participation and empowerment issues addressed through requirement for social compact prior to project implementation. • Co-ordination between national and provincial housing departments around Habitat Convention issues
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Table 4.7 Development Planning and Local Government

DEPARTMENT	Development Planning and Local Government
VISION	Viable local government and sustainable communities in a Smart Province.
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITES	<ul style="list-style-type: none"> • Development of Gauteng Spatial Development Framework (GSDF) • Co-ordination of Integrated Development Planing • Co-ordination of Development Planning Tribunal and legislation • Bulk service provision through Consolidated and Regional Municipal Infrastructure Programs (CMIP and RMIP) • Co-ordination of disaster management activities • Hearings of appeals in terms of the Township Ordinances • Recommendations on Less Formal Township Act applications • Recommendations on Subdivisions of Agricultural Land Act
ENVIRONMENTAL CO-ORDINATION MECHANISIMS	<ul style="list-style-type: none"> • DACEL participates in GSDF steering committee • GOSP provided as first level input into GSDF • DACEL involvement in the Development Planning Tribunal and in legislation development. • EIA review of relevant CMIP and RMIP proposals
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • Sustainable development and NEMA principles addressed through extensive DACEL involvement in department programmes • EIA compliance as required for projects • Co-ordination around NEMA disaster management issues being instituted • National Water Act and Water Services Act considered as relevant in CMIP and RMIP. • Development Planning Tribunal considers NEMA principles in approval process as appropriate.
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • DACEL involvement in GSDF, Development Planning Tribunal, legislation development and other programmes facilitates integration of environmental issues in development decision making, sustainable development and related principles. • Development Tribunal seeks to address participation, empowerment, transparency and environmental justice issues.

Table 4.8 Department of Transport and Public works

DEPARTMENT	Transport and Public works
VISION	An integrated transport system and a client – centred public works service that satisfies the need of the people while supporting and facilitating social and economic growth and the development of all the people of Gauteng.
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITES	<ul style="list-style-type: none"> • Transport and road planning and design • Road construction and maintenance • Provincial facility design and planning • Provincial facility construction and maintenance • High Speed Rail link project (see Dept. of Finance)
ENVIRONMENTAL CO-ORDINATION MECHANISIMS	<ul style="list-style-type: none"> • DACEL participation in Integrated Transport Planning – Integrated Development Planning Forum. • DACEL input in EIA processes for roads and facilities as required. • Memorandum of Understanding between DACEL and department on EIA requirements for road planning.

COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • EIA authorisations and other planning approvals obtained as required. • Enforcement of local authority by-laws regarding vehicle emissions as required. • Provincial hospital incinerators must obtain Atmospheric Pollution Prevention Act certificates. • No environmental approvals given.
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • NEMA compliance addressed primarily through EIA processes as appropriate to specific projects.

Table 4.9 Department of Agriculture, Conservation, Environment and Land Affairs

DEPARTMENT	Agriculture, Conservation, Environment and Land Affairs (and Veterinary Services)
VISION	To contribute towards economic and social development, through public and private partnerships, by enhancing the quality of life and the sustainable utilisation of agricultural and natural resources.
KEY ENVIRONMENTAL IMPACTING/ MANAGING ACTIVITIES	<ul style="list-style-type: none"> • Approval of EIA applications in the Province • Provision of comment on approval on land use change applications • Management of Magaliesburg Protected Natural Environment • Provincial comment on minerals related applications e.g. EMPRs • Provincial Open Space planning • Managing implementation of Provincial noise regulations at a l.a. level • Development of Provincial Air Quality strategy • Implementation of National Waste Management Strategy • Responsible from Provincial Hazardous and Medical Waste Strategies • Environmental education programme • Management of Provincial Nature Reserves • Biodiversity management through issuing of Nature Conservation Ordinance and CITIES permits • Biodiversity management through conservation planning and decision support activities • Farmer settlement programme • Agriculture support services • Management of Cradle of Human Kind World Heritage Site • Management of NEGI/Dinokeng project
ENVIRONMENTAL CO-ORDINATION MECHANISMS	<ul style="list-style-type: none"> • Co-ordination with l.a. on EIA and land use change applications • Provincial Waste Management Forum with l.a. and DWAF • Provincial Air Quality Forum with l.a. and DEAT • Participation in regional air quality forums • Participation in Catchment Management/River Forums • Participation in Gauteng Inter-departmental Curriculum Development Committee (GICD) • Participation in sector specific forums e.g. Gauteng Spatial Development Framework steering committee • Participation in DEAT working groups • Participation in the CEC
COMPLIANCE WITH RELEVANT ENV LAW OR STANDARD OR GUIDELINE	<ul style="list-style-type: none"> • NEMA compliance considered in EIA, land use and mining approval and comment processes. • Progressive implementation of National Waste Management Strategy. • Implementation of Provincial Nature Conservation Ordinance and CITIES in line with national Biodiversity Policy. • Compliance with DWAF Minimum Standards for Waste Disposal as appropriate. • Compliance with Atmospheric Pollution Prevention Act as appropriate. • Compliance with Provincial Noise regulations as appropriate.
COMPLIANCE WITH NEMA PRINCIPLES	<ul style="list-style-type: none"> • Consideration of NEMA principles and sustainable development issues is of the highest priority in departmental approvals and programmes.

4.3 Policy development L7**(i) Discussion** L8

The Provincial Executive Council approves formal provincial policy recommended by the responsible MEC. The policy is evaluated for its appropriateness based on a review of numerous factors including compliance with legislation and policy, impact on the fiscus, and human resource implications. In evaluating the policy note is also taken of the degree of consultation with other relevant parties and the outcomes of this consultation.

No explicit mention of NEMA is made in provincial policy evaluation, though consideration of NEMA is implicit in terms of the standard review against legislation and policy as described above.

In cases of significant policy change input from the provincial legislature and the public is obtained.

(ii) Conclusions

- (a) Co-ordination within government is adequately provided through existing mechanisms.
- (b) It is envisaged that NEMA principles will in future be explicitly considered in policy development.

(iii) Recommendations

- (a) No additional co-ordination required.
- (b) Addition of the requirement to consider NEMA principles/sustainable development issues added to criteria for policy evaluation.

4.4 Legislation development**(i) Discussion**

The Provincial Executive Council approves legislation recommended by the responsible MEC. The legislation is evaluated for its appropriateness based on a review of numerous factors including compliance with legislation and policy, impact on the fiscus, and human resource implications. In evaluating the legislation note is also taken of the degree of consultation with other relevant parties and the outcomes of this consultation.

No explicit mention of NEMA is made in provincial legislation evaluation, though consideration of NEMA is implicit in terms of the standard review against legislation and policy as described above.

Legislation development also requires approval or input from the appropriate legislature standing committee, which may require public hearings if it is deemed appropriate.

Significant environmental legislation must also be referred to the CEC for comment.

(ii) Conclusions

- (a) Co-ordination within government is adequately provided through existing mechanisms.
- (b) It is envisaged that NEMA principles will in future be explicitly considered in legislation development.

(iii) Recommendations

- (a) No additional co-ordination required.

- (b) Addition of the requirement to consider NEMA principles/sustainable development issues added to criteria for legislation evaluation.

4.5 Business planning

(i) Discussion

Business plans for departments are drafted on annual basis as a requirement of the budget approval process. The Provincial Executive Council and the legislature approve the provincial government budgets (and thus the business plans).

The MEC and senior management of DACEL provide limited input on other departments business plans with respect to compliance with NEMA and sustainable development issues through this process.

Departmental business plans general consider a variety of factors e.g. impact on HIV/AIDS, compliance with NEMA principles and sustainable development issues are however not explicitly considered.

(ii) Conclusions

- (a) Limited opportunity for formal review of compliance with NEMA principles and sustainable development issues existed prior to implementation of the EIP process.
- (b) Whilst the MEC and senior management of DACEL may provide input on other departments business plans the EIP preparation process has clearly indicated that the requirements of NEMA are not considered by all departments in drafting their business plans.

(iii) Recommendations

- (a) The business plans of significantly environmental impacting departments viz. the Department of Agriculture, Conservation, Environment and Land Affairs (DACEL), the Department of Transport and Public Works (Gautrans), the Department of Development Planning and Local Government (DPLG), and the Department of Housing (DoH) will in future include a formal review of NEMA compliance, prior to approval by provincial cabinet.
- (b) Formal review of all departmental budget statements by DACEL on a yearly basis to assess the adequacy of (a).
- (c) GPG will commit itself to a process of continual and progressive improvement with respect to NEMA compliance for projects it undertakes.

4.6 Development planning initiatives

(i) Discussion

The EIP process has highlighted the well-recognised interrelationship between environment and development planning processes. Within provincial government extensive co-ordination around this aspect already takes place through forums such as the Spatial Development Framework/ Integration of Plans Joint Steering Committee and the Land Development Objective Support Task Team.

GPG requires DACEL to provide extensive support to other departments and local authorities through the provision of planning information such as the Gauteng Open space Project, EIA processes, comment on local authority land development objectives and increasingly the commissioning and supporting of Strategic Environmental Assessment processes e.g. the Magalies Moot SEA.

The two Blue IQ Projects (Strategic Economic Infrastructure Investment Projects) with large development planning components the Cradle of Humankind World Heritage Site and the Dinokeng/North Eastern Gauteng Initiative are managed by DACEL and provide opportunities

for developing best practice in respect of environment and development planning. Comment in respect of compliance with NEMA principles and sustainable development is made in an ongoing basis in these projects. DACEL also provides input in the other Blue IQ projects such as the High Speed Train as required.

DACEL participates in the GPG Development Tribunal and local authority planning tribunals, but the environmental awareness of Tribunal members is generally low.

(ii) Conclusions

- (a) Extensive and effective co-ordination around development planning and environmental issues takes place within provincial government.
- (b) Through the ongoing co-ordination consideration of NEMA principles and sustainable development issues is obtained in development planning.
- (c) Environmental capacity development of the GPG Development Planning and local authority planning tribunals is warranted.

(iii) Recommendations

- (a) Continuation and strengthening of existing co-ordination mechanisms.
- (b) Expansion of DACEL component to increase capacity to deal with this aspect.
- (c) Formal inclusion of comment on NEMA principles in review of all development planning exercises involving province.
- (d) Expand use of SEA and other Integrated Environmental Management tools to improve compliance with the NEMA principles and to support sustainable development.
- (e) Initiate capacity development programme for planning tribunal members.

4.7 Infrastructure planning

(i) Discussion

Most Provincial departments are involved in infrastructure planning and provision, the larger ones being Gautrans (who are also the primary implementing agent for GPG), DoH, DPLG and the Blue IQ program.

The larger departments have been actively involved with DACEL in developing effective processes for inclusion of environmental issues in their planning processes and they are to be commended for this.

Problem areas have been identified however e.g. schools and clinic planning, and these need to be addressed.

Early consideration of the NEMA principles and initiation of the environmental impact assessment process is critical to ensuring the meaningful consideration of environmental aspects in planning processes.

EIA compliance for projects undertaken by GPG is not formally monitored at present. Few problems around non-compliance are recorded and compliance is thus believed to be 100%.

(ii) Conclusions

- (a) A high level of awareness in respect of the need for environmental input in infrastructure planning exists within GPG.
- (b) Compliance with NEMA principles is assessed through EIA processes undertaken for significant infrastructure projects.

(iii) Recommendations

- (a) DACEL continue work with departments to ensure meaningful incorporation of environmental issues in infrastructure planning.

- (b) GPG implement a programme to monitor EIA compliance for Provincial projects.

4.8 Facility and project construction

(i) Discussion

Assuming the necessary authorizations were obtained during project planning environmental compliance during the construction phases should be acceptable. Monitoring of compliance with any environmental conditions should be undertaken by DACEL. Capacity constraints do however severely limit the ability of DACEL to monitor.

No formal consultation with other government agencies takes place during compliance auditing.

For projects where no environmental authorization is required (these generally being of limited environmental impact) no environmental control measures are usually implemented. NEMA compliance would also in all likelihood not have been established.

(ii) Conclusions

- (a) For projects requiring environmental authorizations compliance with NEMA principles should have been established during project planning.
- (b) For projects not requiring environmental authorisation NEMA compliance would not have been assessed.
- (c) Co-ordination with other government agencies is limited.

(iii) Recommendations

- (a) Ensure compliance monitoring by DACEL for all Provincial government constructed or funded projects.
- (b) Assess capacity needs to meet compliance monitoring targets.
- (d) Amend DACEL monitoring procedure to allow for improved inter-agency co-ordination.
- (e) Formal review of budget statements of significantly impacting departments by DACEL on a yearly basis to assess compliance with NEMA principles.

4.9 Project and facility implementation and maintenance

(i) Discussion

Conditions for operation will have been established for projects requiring environmental authorization. Compliance with the conditions should ensure acceptable environmental performance.

Environmental awareness of site staff e.g. hospital support staff re environmental matters is often limited and a lack of knowledge may lead to unexpected environmental impacts e.g. poor incinerator operation.

(ii) Conclusions

- (a) For projects requiring environmental authorizations compliance with NEMA principles should have been established during project planning.
- (b) For projects not requiring environmental authorisation NEMA compliance would not have been assessed.

(iii) Recommendations

- (a) See 4.8 (iii)
- (b) Review environmental capacity development needs for staff involved in high impacting activities.

- (c) Implement necessary capacity development programs.

4.10 Intergovernmental co-ordination – national govt. and parastatals

(i) Discussion

It is not the purpose of this EIP to extensively review the compliance of national departments with NEMA principles or legislation, this will be undertaken in their EIP and EMP documents.

Mechanisms for intergovernmental co-ordination were reviewed in section 3, with a more detailed analysis of the issues relevant to national departments being provided in the EIP tables in appendix 5.

(ii) Conclusions

- (a) The role of the CEC for co-ordination at a senior management level is of critical importance.
- (b) The use of issue based co-ordination mechanisms e.g. mining forums is viewed by GPG to be more effective than general co-ordination meetings. Issue based co-ordination mechanisms have accordingly been established e.g. a steering committee and working groups to address the environmental impacts of mining
- (c) Permitting and approval mechanisms are relatively well aligned but problems do occur.
- (d) Co-ordination between GPG and the DLA has been less than optimal in the past, improvement in the situation is presently being noted.
- (e) Co-ordination with parastatals e.g. Telkom, Eskom, SATRA is often facilitated through national DEAT and the problems re environmental compliance have occurred

(iii) Recommendations

- (a) High level intergovernmental co-ordination continues to be addressed at CEC.
- (b) GPG continue attendance at relevant sector specific environmental forums.
- (c) Align environmental permitting during drafting of provincial Integrated Environmental Management regulations.
- (d) Develop memorandums of understanding between GPG and national government provincial offices in regards to environmental authorization processes.
- (e) Develop memorandums of understanding between GPG and parastatals provincial offices in regards to environmental authorization processes where possible.
- (f) Address co-ordination problems as they occur.

4.11 Intergovernmental co-ordination – local government

(i) Discussion

Within local authorities environment is generally a dispersed function with responsibilities in various departments e.g. planning, engineering, parks and recreation and environmental health etc.

Provincial - local government co-ordination on environmental issues occurs on an issue driven basis e.g. waste disposal.

Prior to the 2000 local authority elections the large number of local authorities limited the viability of a local authority – province environmental co-ordinating forum. The creation of more streamlined local authority structures should allow for improved co-ordination on broader environmental issues. As such the viability of a high level environmental co-ordinating committee between province and local authorities should be investigated. The possible use of existing co-ordination structures should also be considered.

In terms of Section 139 of the Constitution, Provincial Government is required to supervise Local Government obligations in terms of legislation. Through institutional arrangement for

Co-operative Governance the GPG therefore will ensure there is progressive implementation of the EIP at Local Government level.

(ii) Conclusions

- (a) Co-ordination between the province and local authorities on environmental matters has been issued driven to date.
- (b) The establishment of a high-level local authority- province environmental co-ordinating committee is now envisaged.
- (c) Metropolitan and District Councils are responsible for the implementation of EIP recommendations relevant to them

(iii) Recommendations

- (a) Continue with existing issue specific co-ordination mechanisms.
- (b) Investigate and establish appropriate mechanisms to facilitate high-level co-ordination between local authorities and the province on environmental issues.

4.12 EIP monitoring and evaluation system

(i) Discussion

In order to monitor and evaluate implementation of the recommendations made above it will be necessary to establish a system for EIP monitoring.

A formal system of quarterly reporting and annual on compliance with business plan objectives operates within DACEL. It is recommended that rather than establishing a new system that EIP reporting be integrated into the Environment component of DACEL.

Annual reporting on EIP implementation is a legal requirement and GPG has mandated DACEL with the responsibility for preparation of the annual report on implementation of the EIP.

Where the recommendations made above place responsibilities on other branches of GPG these departments will accept responsibility of implementing the necessary activities.

Formally approved departmental EIP updates should be provided on an annual basis to DACEL.

(ii) Conclusions

- (a) A system for monitoring EIP implementation will be put in place

(iii) Recommendations

- (a) DACEL will take responsibility for annual EIP reporting to DEAT.
- (b) Line functions departments will take responsibility for implementing activities to address EIP recommendations relevant to their line functions.
- (c) Provincial Departments, Metropolitan and District Councils should provide annual updates to DACEL in respect of EIP compliance, within two months of the end of the financial year.

SECTION 5 TARGETS AND INDICATORS

5.1 EIP Performance targets and indicators

The review of environmental performance and co-ordination carried out in Section 4 generated a series of recommendations. For ease of review the recommendations are summarised in Table 5.1.

The table also includes specific targets and specific EIP performance indicators. The indicators focus on measuring how GPG has met the challenges of improved environmental co-ordination and the mainstreaming of environmental concerns in all facets of GPG operation.

Table 5.1 EIP TARGETS AND PERFORMANCE INDICATORS

GPG ACTIVITY	RECOMMENDATION	TARGET	PERFORMANCE INDICATOR
Policy development	(a) No additional co-ordination required.	None	None
	(b) Addition of the requirement to consider NEMA principles/sustainable development issues added explicitly to the criteria for policy evaluation.	Memo to GPG cabinet with proposal by September 2001	NEMA principles explicitly included in policy evaluation
Legislation development	(a) No additional co-ordination required.		
	(b) Addition of the requirement to consider NEMA principles/sustainable development issues added explicitly to the criteria for policy evaluation.	Memo to GPG cabinet with proposal by September 2001	NEMA principles explicitly included in policy evaluation
Business planning	(a) The business plans of significantly environmental impacting departments viz. the Department of Agriculture, Conservation, Environment and Land Affairs (DACEL), the Department of Transport and Public Works (Gautrans), the Department of	Inclusion of statement on NEMA compliance in 2003-2004 relevant business plans	NEMA compliance statement in 2003 – 2004 business plans of departments with significant environmental impacts

GPG ACTIVITY	RECOMMENDATION	TARGET	PERFORMANCE INDICATOR
	<p>Development Planning and Local Government (DPLG), and the Department of Housing (DoH) will in future include a formal review of NEMA compliance, prior to approval by provincial Cabinet.</p>		
	<p>(b) Formal review of all departmental budget statements by DACEL on a yearly basis to assess the adequacy of (a).</p>	<p>GPG business plan NEMA compliance review included in annual EIP updates from 2003-2004 onwards</p>	<p>GPG business plan NEMA compliance review included in annual EIP updates</p>
	<p>(c) GPG will commit itself to a process of continual and progressive improvement with respect to NEMA compliance for projects it undertakes.</p>	<p>Improvement noted in annual EIP review.</p>	<p>Improvement in the State of the Environment of the province.</p>
<p>Development planning initiatives</p>	<p>(a) Continuation and strengthening of existing co-ordination mechanisms.</p>	<p>100 % attendance at co-ordination meetings</p>	<p>Environmental input in all GPG development planning processes</p>
	<p>(b) Expansion of DACEL component to increase capacity to deal with this aspect.</p>	<p>Capacity review undertaken and approved by June 2001 Staff appointed by September 2001</p>	<p>Approved expanded staff establishment Posts filled</p>
	<p>(c) Formal inclusion of comment on NEMA principles in review of all development planning exercises involving province.</p>	<p>NEMA comment in all GPG development planning processes</p>	<p>Environmental comment in all GPG development planning processes</p>
	<p>(d) Expand use of SEA and other Integrated Environmental Management tools to improve compliance with the NEMA principles and to support sustainable</p>	<p>Commission 2 SEA reviews in 2001-2002 budget year</p>	<p>SEA documents produced</p>

GPG ACTIVITY	RECOMMENDATION	TARGET	PERFORMANCE INDICATOR
	development.		
	(e) Initiate capacity development programme for planning tribunal members.	Provide environmental input in DFA Tribunal training in 2001. Provide environmental resources to new local authority planning tribunals by September 2001	Training course includes environmental component. Environmental resources provided to planning tribunals
Infrastructure planning	(a) DACEL continue work with departments to ensure meaningful incorporation of environmental issues in infrastructure planning.	See (b) below	See (b) below
	(b) GPG implement a programme to monitor EIA compliance for Provincial projects.	Compliance monitoring system effective as of 2002 financial year.	EIA compliance monitoring system for provincial projects operating as of 2002 financial year
Facility and project construction	(a) Ensure compliance monitoring by DACEL for all Provincial government constructed or funded projects.	Compliance monitoring by DACEL for all Provincial government constructed or funded projects.	Monitoring reports available
	(b) Assess capacity needs to meet compliance monitoring targets	Capacity review undertaken and approved by June 2001 Staff appointed by September 2001	Approved expanded staff establishment Posts filled
	(c) Amend DACEL monitoring procedure to allow for improved inter-agency co-ordination	Reviewed monitoring procedure by November 2002	Revised monitoring procedure
	(d) Formal review of all departmental budget statements by DACEL on a yearly basis to assess compliance with NEMA principles.	GPG business plan NEMA compliance review included in annual EIP updates from 2002 -2003 onwards	GPG business plan NEMA compliance review included in annual EIP updates

GPG ACTIVITY	RECOMMENDATION	TARGET	PERFORMANCE INDICATOR
Project and facility implementation and maintenance	(a) See facility and project construction above.	See facility and project construction above	See facility and project construction above
	(b) Review environmental capacity development needs for staff involved in high impacting activities.	Capacity review plan by June 2002	Capacity review plan produced
	(c) Implement necessary capacity development programs	Capacity development program implemented as per plan	Capacity development program implemented as per plan (2002-2004)
Intergovernmental aspects – national and parastatals	(a) High level intergovernmental co-ordination continues to be addressed at CEC.	100% attendance at CEC	CEC attendance records
	(b) GPG continue attendance at relevant sector specific environmental forums	100% attendance at sector specific forums	Forum attendance records
	(c) Align environmental permitting during drafting of provincial Integrated Environmental Management regulations.	Streamlined permitting established in new IEM regulations	Streamlined permitting established in new IEM regulations
	(d) Develop memorandums of understanding between GPG and national government provincial offices in regards to environmental authorization processes.	Memorandums of understanding with local offices of DWAF, DME, DLA	Memorandum of understandings established (2002/2003)
	(e) Develop memorandums of understanding between GPG and parastatals provincial offices in regards to environmental authorization	Memorandums of understanding with local offices of Telkom, Eskom, Transnet	Memorandum of understandings established (2003/2004)

GPG ACTIVITY	RECOMMENDATION	TARGET	PERFORMANCE INDICATOR
	processes where possible.		
	(f) Address co-ordination problems as they occur	Problems resolved within 3 months	Letters of resolution on file
Intergovernmental co-ordination – local government	(a) Continue with existing issue specific co-ordination mechanisms.	100% attendance at sector specific forums	Forum attendance records
	(b) Investigation and establish appropriate mechanisms to facilitate high level co-ordination between local authorities and the province on environmental issues.	Recommendation on high level co-ordination submitted to DACEL senior management by September 2001 Hold first meeting (if appropriate) by November 2001	Memo produced Meeting held and minutes produced
EIP monitoring and evaluation system	(a) DACEL will take responsibility for annual EIP reporting to DEAT.	Annual EIP reports submitted on time	EIP update submitted on time
	(b) Line functions will take responsibility for implementing activities to address EIP recommendations relevant to their line functions.	Drafting of EIP compliance plans by each GPG department.	EIP compliance plan available.
	(c) Provincial Departments, Metropolitan and District Councils should provide annual updates to DACEL in respect of EIP compliance, within two months of the end of the financial year.	Annual EIP updates provided to DACEL.	Annual updates available.

5.2 Current Processes enabling the implementation of the integrated environment management in Gauteng province

Table 5.2 SUMMARY OF CURRENT PROCESSES ENABLING THE IMPLEMENTATION OF INTEGRATED ENVIRONMENTAL MANAGEMENT IN THE GAUTENG PROVINCE

(All sections in bold are in co-ordination with Local Authorities)

PROCESSES	ROLEPLAYERS/ PROJECTS
Development of New IEM Regulations	To be finalised in 2001
Working agreement with various Departments	Gautrans Agreement Eskom
Memorandum of understandings to be developed with regional sections	DOH DLA DWAF DA
Participate in DFA Tribunals	Provide environmental input during training Provide environmental input at Tribunals
Undertake SEAs on sensitive areas to development management plans	Bronberg Magalies Moot Klipriviersberg PWV Road Network Magaliesberg Vaal
Develop and run forums for various environmental issues	Mining pollution Forum (technical working group, information working group, steering committee) Local, Provincial Waste Forum Various Land Care forums
Participate in forums for various environmental issues	1/4 regional mining meetings LRAD committee Air Pollution Action Group (APAC) Airkem – multi stakeholder forum Kliprivier Forum Jukskei Upper Crocodile forum
Review of all Provincial business plans in terms of the NEMA principles	Business Plans Budgets Capital projects
Ensure adequate monitoring of all provincial projects	All provincial projects
Review and comment on IDPs	All Local authorities
Comment on all land use applications (Business rights, consent use, subdivision) in terms of NEMA principles	All local Authorities
Develop environmental outcome base education syllabus for schools	In conjunction with Department of Education & GICD
Formal Interactions with NGOs	
School based projects	Schools e.g. Eco clubs

SECTION 6 SUSTAINABLE DEVELOPMENT INDICATORS

6.1 The concept of sustainable development

Sustainable development (SD) is commonly defined as development that meets the needs of the present, without compromising the ability of future generations to meet their own needs². Sustainable development is considered to consist of 3 interrelated components, economic development, social development and environmental/ ecological development.

Whilst the concept of sustainable development is readily understood the definition of what sustainable development means for any place, time or organisation is a more complex, if not imponderable issue.

The concept has received international acceptance and its importance is recognised in the National Environmental Management White Paper. The operationalisation of the sustainable development concept will be one of the primary focuses of the Rio+10 Earth summit to be held in Johannesburg Gauteng in 2002.

There is no commonly held vision for sustainable development in South Africa and Gauteng. National processes to develop a sustainable development strategy for South Africa have been initiated by DEAT. The need for Gauteng Province to establish its own vision in respect of SD is presently being evaluated.

6.2 Sustainable development indicators

SD indicators bring together data on the 3 competent of SD in a way that allows tracking of performance over time. The comprehensive identification of indicators for sustainable development can be a long, complex and costly exercise. Numerous international initiatives driven by bodies such as UNEP and the World Bank have been working towards the establishment of a common set of sustainable development indicators for several years. DEAT is involved in several initiatives and the outcomes of their studies are anticipated in 2001.

The department is reviewing the information management system, and this review will include the development of sustainable development indicators. These indicators will be reviewed based on completion of the DEAT indicator work, existing SD and broad indicator initiatives and the Gauteng Province Preliminary SOER (1998) and internal GPG work on indicators in general. The indicators identified will be workshopped within the province to test their appropriateness and validity.

SECTION 7 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

The preparation of the first Edition GPG EIP has facilitated the alignment of policies and programmes around environmental issues within GPG. The EIP also serves as the basis for the continued integration of activities by GPG in order to halt further deterioration in the State of the Environment as a result of development pressures, and to facilitate rehabilitation and improvement in the State of the Environment over time.

The policies, plans, programmes and decisions of the GPG broadly comply with the principles and intent of NEMA. The activities of GPG also progressively aim to ensure the sustainable development of the Province.

² Definition from "Our Common Future" WCED 1987.

Provincial compliance with the EIA authorisation requirements is very high. The GPG will further progressively put in place management systems for the evaluation of provincial government's activities and their compliance with NEMA principles.

The preparation of the first GPG EIP has highlighted both the strengths and the weakness of existing compliance with NEMA. Recommendations on how to improve problem areas and to build on good practice have been provided in the EIP. Performance indicators for EIP implementation have also been generated.

Co-operative governance arrangements between all three spheres of Government of relevance to environmental issues within Gauteng operate relatively well. No significant redefining of national and provincial co-ordination mechanisms is therefore considered warranted. In terms of Section 139 of the Constitution, Provincial Government is required to supervise Local Government obligations in terms of legislation. Through institutional arrangement for Co-operative Governance the GPG therefore will ensure there is progressive implementation of the EIP at Local Government level.

7.2 Key recommendations

Detailed recommendations aimed at improving the compliance of GPG with NEMA principles and in respect of intergovernmental co-ordination have been provided in section 5.

The key recommendations are listed below:

- (i) Consideration of NEMA principles and sustainable development issues will be made an explicit requirement of policy and legislation development in GPG.
- (ii) The business plans of significantly environmental impacting departments viz. the Department of Agriculture, Conservation, Environment and Land Affairs (DACEL), the Department of Transport and Public Works (Gautrans), the Department of Development Planning and Local Government (DPLG), and the Department of Housing (DoH) will in future include a formal review of NEMA compliance, prior to approval by provincial cabinet.
- (iii) No new inter-departmental environmental co-ordination mechanisms are required.
- (iv) DACEL will be responsible for the updating of the EIP every fourth year as required in terms of Section 11(1) of NEMA.
- (v) All Provincial Departments are responsible for implementation of EIP recommendations relevant to them.
- (vi) Metropolitan and District Councils are responsible for the implementation of EIP recommendations relevant to them.
- (vii) Provincial Departments, Metropolitan and District Councils should provide annual updates to DACEL in respect of EIP compliance, within two months of the end of the financial year.

APPENDIX 1
EIP LEGISLATION FROM THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT
107 OF 1998

CHAPTER 1
NATIONAL ENVIRONMENTAL MANAGEMENT PRINCIPLES

Principles

2. (1) The principles set out in this section apply throughout the Republic to the actions of all organs of state that may significantly affect the environment and—

- a. shall apply alongside all other appropriate and relevant considerations, including the State's responsibility to respect, protect, promote and fulfil the social and economic rights in Chapter 2 of the Constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination;
- b. serve as the general framework within which environmental management and implementation plans must be formulated;
- c. serve as guidelines by reference to which any organ of state must exercise any function when taking any decision in terms of this Act or any statutory provision concerning the protection of the environment;
- d. serve as principles by reference to which a conciliator appointed under this Act must make recommendations; and
- e. guide the interpretation, administration and implementation of this Act, and any other law concerned with the protection or management of the environment.

(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

(3) Development must be socially, environmentally and economically sustainable.

(4) (a) Sustainable development requires the consideration of all relevant factors including the following:

- i. That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- ii. that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- iii. that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied;
- iv. that waste is avoided, or where it cannot be altogether avoided, minimised and reused or recycled where possible and otherwise disposed of in a responsible manner;
- v. that the use and exploitation of nonrenewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;
- vi. that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised;
- vii. that a risk averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and
- viii. that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.

(c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.

- (d) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human wellbeing must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination.
- (e) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle.
- (f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.
- (g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.
- (h) Community wellbeing and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.
- (i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.
- (j) The right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected.
- (k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.
- (l) There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to the environment.
- (m) Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures.
- (n) Global and international responsibilities relating to the environment must be discharged in the national interest.
- (o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.
- (p) The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.
- (q) The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.
- (r) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.

CHAPTER 3

PROCEDURES FOR COOPERATIVE GOVERNANCE

Environmental implementation plans and management plans

11. (1) Every national department listed in Schedule 1 as exercising functions which may affect the environment and every province must prepare an environmental implementation plan within one year of the promulgation of this Act and at least every four years thereafter.
- (2) Every national department listed in Schedule 2 as exercising functions involving the management of the environment must prepare an environmental management plan within one year of the promulgation of this Act and at least every four years thereafter.
- (3) Every national department that is listed in both Schedule 1 and Schedule 2 may prepare a consolidated environmental implementation and management plan.
- (4) Every organ of state referred to in subsections (1) and (2) must, in its preparation of an environmental implementation plan or environmental management plan, and before submitting such plan take into consideration every other environmental implementation plan and environmental management plan already adopted with a view to achieving consistency among such plans.

- (5) The Minister may by notice in the *Gazette*—
- a. extend the date for the submission of any environmental implementation plans and environmental management plans for periods not exceeding 12 months;
 - b. on application by any organ of state, or on his or her own initiative with the agreement of the relevant Minister where it concerns a national department, and after consultation with the Committee, amend Schedules 1 and 2.
- (6) The DirectorGeneral must, at the request of a national department or province assist with the preparation of an environmental implementation plan.
- (7) The preparation of environmental implementation plans and environmental management plans may consist of the assembly of information or plans compiled for other purposes and may form part of any other process or procedure.
- (8) The Minister may issue guidelines to assist provinces and national departments in the preparation of environmental implementation and environmental management plans.

Purpose and objects of environmental implementation plans and environmental management plans

12. The purpose of environmental implementation and management plans is to—
- a. coordinate and harmonise the environmental policies, plans, programmes and decisions of the various national 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 of provincial and local spheres of government, in order to—
 - i. minimise the duplication of procedures and functions; and
 - ii. promote consistency in the exercise of functions that may affect the environment;
 - b. give effect to the principle of cooperative government in Chapter 3 of the Constitution;
 - c. secure the protection of the environment across the country as a whole;
 - d. prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and
 - e. enable the Minister to monitor the achievement, promotion, and protection of a sustainable environment.

Content of environmental implementation plans

13. (1) Every environmental implementation plan must contain:
- a. a description of policies, plans and programmes that may significantly affect the environment;
 - b. a description of the manner in which the relevant national department or province will ensure that the policies, plans and programmes referred to in paragraph (a) will comply with the principles set out in section 2 as well as any national norms and standards as envisaged under section 146 (2) (b) (i) of the Constitution and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment;
 - c. a description of the manner in which the relevant national department or province will ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions, including the principles set out in section 2, and any national norms and standards envisaged under section 146 (2) (b) (i) of the Constitution and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment; and
 - d. recommendations for the promotion of the objectives and plans for the implementation of the procedures and regulations referred to in Chapter 5.
- (2) The Minister may, after consultation with the Committee, make regulations for the purpose of giving effect to subsections (1) (b) and (c).

Content of environmental management plans

14. Every environmental management plan must contain—
- (a) a description of the functions exercised by the relevant department in respect of the environment;

- (b) a description of environmental norms and standards, including norms and standards contemplated in section 146 (2) (b) (i) of the Constitution, set or applied by the relevant department;
- (c) a description of the policies, plans and programmes of the relevant department that are designed to ensure compliance with its policies by other organs of state and persons;
- (d) a description of priorities regarding compliance with the relevant department's policies by other organs of state and persons;
- (e) a description of the extent of compliance with the relevant department's policies by other organs of state and persons;
- (f) a description of arrangements for cooperation with other national departments and spheres of government, including any existing or proposed memoranda of understanding entered into, or delegation or assignment of powers to other organs of state, with a bearing on environmental management; and
- (g) proposals for the promotion of the objectives and plans for the implementation of the procedures and regulations referred to in Chapter 5.

Submission, scrutiny and adoption of environmental implementation plans and environmental management plans

15. (1) Every environmental implementation plan and every environmental management plan must be submitted to the Committee by a date to be set by the Minister.

(2) (a) The Committee scrutinises every environmental implementation plan and either recommends adoption of such plan or reports to the Minister as well as every other Minister responsible for a department which is represented on the Committee and every Provincial Premier concerned on the extent to which the environmental implementation plan concerned fails to comply with—

- (i) the principles in section 2;
- (ii) the purpose and objectives of environmental implementation plans; or
- (iii) any relevant environmental management plan, and specifies changes needed in the environmental implementation plan concerned.

(b) If the Committee recommends adoption of an environmental implementation plan, then the relevant organ of state must adopt and publish its plan in the relevant Gazette within 90 days of such approval and the plan becomes effective from the date of such publication.

(3) Any difference or disagreement between the Committee and a national department regarding either a failure to submit or the content of an environmental implementation plan may, if it cannot be resolved by agreement between the parties concerned, be referred by the DirectorGeneral for determination by the Minister in consultation with the Ministers responsible for the Department of Land Affairs, Department of Water Affairs and Forestry, Department of Minerals and Energy and Department of Constitutional Development.

(4) Any difference or disagreement between the Committee and a province regarding either a failure to submit or the content of an environmental implementation plan may, if it cannot be resolved by agreement between the parties concerned, be referred by the DirectorGeneral to conciliation in accordance with Chapter 4 and if such conciliation fails, or where the DirectorGeneral does not refer the dispute to conciliation, to the Minister with a request for intervention in accordance with section 100 of the Constitution: Provided that such disputes shall be dealt with in accordance with the act contemplated in section 41 (2) of the Constitution, once promulgated.

(5) A national department which has submitted an environmental management plan must adopt and publish its plan in the Gazette within 90 days of such submission and the plan becomes effective from the date of such publication.

(6) The exercise of functions by organs of state may not be delayed or postponed on account of—

- (a) the failure of any organ of state to submit an environmental implementation plan;
- (b) the scrutiny of any environmental implementation plan by the Committee;
- (c) the amendment of any environmental implementation plan following scrutiny of the plan by the Committee;
- (d) any difference or disagreement regarding any environmental implementation plan and the resolution of that difference or disagreement; or

- (e) the failure of any organ of state to adopt and publish its environmental implementation or management plan.

Compliance with environmental implementation plans and environmental management plans

16. (1) (a) Every organ of state must exercise every function it may have, or that has been assigned or delegated to it, by or under any law, and that may significantly affect the protection of the environment, substantially in accordance with the environmental implementation plan or the environmental management plan prepared, submitted and adopted by that organ of state in accordance with this Chapter: Provided that any substantial deviation from an environmental management plan or environmental implementation plan must be reported forthwith to the Director General and the Committee.

(b) Every organ of state must report annually within four months of the end of its financial year on the implementation of its adopted environmental management plan or environmental implementation plan to the Director General and the Committee.

(c) The Minister may, after consultation with the Committee, recommend to any organ of state which has not submitted and adopted an environmental implementation plan or environmental management plan, that it comply with a specified provision of an adopted environmental implementation plan or submitted environmental management plan.

(2) The Director General monitors compliance with environmental implementation plans and environmental management plans and may—

(a) take any steps or make any inquiries he or she deems fit in order to determine if environmental implementation plans and environmental management plans are being complied with by organs of state; and

(b) if, as a result of any steps taken or inquiry made under paragraph (a), he or she is of the opinion that an environmental implementation plan and an environmental management plan is not substantially being complied with, serve a written notice on the organ of state concerned, calling on it to take such specified steps as the Director General considers necessary to remedy the failure of compliance.

(3) (a) Within 30 days of the receipt of a notice contemplated in subsection (2) (b), an organ of state must respond to the notice in writing setting out any—

(i) objections to the notice;

(ii) steps that will be taken to remedy failures of compliance; or

(iii) other information that the organ of state considers relevant to the notice.

(b) After considering the representations from the organ of state and any other relevant information, the Director General must within 30 days of receiving a response referred to in paragraph (a) issue a final notice—

(i) confirming, amending or cancelling the notice referred to in subsection (2) (b);

(ii) specify steps and a time period within which steps must be taken to remedy the failure of compliance.

(c) If, after compliance with the provisions of paragraphs (a) and (b) there still remains a difference or disagreement between the organs of state and the Director General, the organ of state may request the Minister to refer any difference or disagreement between itself and the Director General regarding compliance with an environmental implementation plan, or the steps necessary to remedy a failure of compliance, to conciliation in accordance with Chapter 4.

(d) Where an organ of state does not submit any difference or disagreement to conciliation in accordance with paragraph (c), or if conciliation fails to resolve the matter, the Director General may within 60 days of the final notice referred to in paragraph (b) if the matter has not been submitted to conciliation, or within 30 days of the date of conciliation, as the case may be—

(i) where the organ of state belongs to the provincial sphere of government, request the Minister to intervene in accordance with section 100 of the Constitution: Provided that such a difference or disagreement must be dealt with in accordance with the Act contemplated in section 41 (2) of the Constitution once promulgated;

(ii) where the organ of state belongs to the local sphere of government, request the MEC to intervene in accordance with section 139 of the Constitution: Provided that such a difference or disagreement must be dealt with in accordance with the Act contemplated in section 41 (2) of the Constitution once promulgated; or

(iii) where the organ of state belongs to the national sphere of government refer the matter for determination by the Minister in consultation with the Ministers responsible for the Department of Land Affairs, Department of Water Affairs and Forestry, Department of Minerals and Energy and Department of Constitutional Development.

(4) Each provincial government must ensure that—

(a) the relevant provincial environmental implementation plan is complied with by each municipality within its province and for this purpose the provisions of subsections (2) and (3) must apply with the necessary changes; and

(b) municipalities adhere to the relevant environmental implementation and management plans, and the principles contained in section 2 in the preparation of any policy, programme or plan, including the establishment of integrated development plans and land development objectives.

(5) The Director General must keep a record of all environmental implementation plans and environmental management plans, relevant agreements between organs of state and any reports submitted under subsection (1) (b); and such plans, reports and agreements must be available for inspection by the public.

Appendix 2 GAUTENG EIP SCREENING PROCESS

June 2000

1. Introduction

In order to focus Gauteng's EIP it is necessary for us to identify which programmes and sub-programmes operating in the province will have a significant environmental impact. As such the following screening process has been developed. The process involves the comparison of programmes against some of the key environmental issues in Gauteng in order to flag which activities need to be investigated further in the EIP process.

2. How to screen

- (i) Review the GPG Budget Statement (2000/2001), available business plans and draft EIPs of organisation prior to meeting with relevant departmental champion. The Budget statement is probably the most useful document at this stage.
- (ii) Arrange meeting with champion (meeting to be held by **19 June**), confirm 2 days prior to meeting
- (iii) At meeting explain process to be followed, clarify all relevant documents available.
- (iv) Ask champion to provide brief overview of their department, what it does, what are the key policies and legislation.
- (v) Utilizing this checklist and the key environmental issues summary page (following) review the functions of the department, program and subprograms to identify :
 - Subprograms which will **impact significantly** on key environmental issues e.g. Road building
 - Subprograms which relate significantly to **management** of the environment affected by key environmental issues. e.g. granting EIA permits
- (vi) Record the results of the review in the Environmental issues reporting form. If no impacting project write – "none", if not relevant – say "not relevant".
- (vii) Record comments on **all** programmes of the department in the reporting form, that way we know we have been rigorous
- (viii) Can you, or the champion, identify important environmental legislation or policy which should be followed up on in relation to any specific program or sub-program. This will speed up the next phase.
- (ix) Are there any links which should be noted e.g. incinerators planned by hospitals but run by public works.
- (x) Given the overview provided in (iv) did anything get missed ? Record this.
- (xi) Ensure reporting form completed prior to ending the meeting.
- (xii) Arrange the date of the next meeting to look at significant programmes in more detail. This meeting should be between **21 June and 12 July 2000**.

3. The next step

The department reviews must be completed and submitted by 21 June 2000. Reviewed environmental issues reporting forms will then be sent back to the relevant departments for their comments by 28 June.

The EIP co-ordination committee planned for 21 June 2000 will not be held. The next review meeting is scheduled for 31 July 2000, please make sure your champion is informed of this

Once the key activities which will have significant impact on the environment have been identified these will be assessed against NEMA principles and relevant laws and standards to identify compliance etc.

This assessment and review work will also be done in consultation with the champions. A meeting for this should be scheduled between 21 June and 12 July.

4. Points to note

- Comment on all programmes, even if you say no impact
- Sometimes something will be planned by one part of the organization and implemented by another, record these links.
- Policy development and legislation development can have environmental impacts, record these if appropriate. We will look at how we ensure environmental issues considered latter.
- The more information we can gather now the easier and more focussed will be our next meeting.

KEY ENVIRONMENTAL ISSUES IN GAUTENG

1. MEETING BASIC NEEDS/ POVERTY ALLEVIATION

A cross-cutting theme of much GPG work

2. BASIC SERVICE PROVISION

(water, sanitation, electricity)

3. AIR POLLUTION

- Industrial sources (power generation and industry)
- Household related (burning coal, wood etc)
- Transport related (roads and vehicles)

4. WATER POLLUTION (Surface and groundwater)

- Diffuse pollution (stormwater runoff)
- Point source discharges (waste water plants and industry)
- Mining related

5. URBAN SPRAWL

- Loss of sensitive habitats (wetlands, grasslands – resulting in loss of bio-diversity)
- Loss of high potential agricultural land
- Loss of openspace

6. WASTE MANAGEMENT

- Hazardous waste
- Medical waste
- General waste

7. EMPOWERMENT OF THE PUBLIC AND LOCAL AUTHORITIES IN ENVIRONMENTAL ISSUES

8. AESTHETIC DEGRADATION

9. LOSS OF CULTURAL RESOURCES

Points to note:

- All development has impacts, we are looking for activities with major impacts
- Beware of cumulative impacts
- An integration of many of the above will result in the creation "unsustainable development patterns", this term has been unpacked for this exercise.

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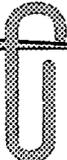
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HENNIE MALAN

Director: Financial Management
Office of the Premier (Gauteng)



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