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**KwaZulu-Natal Provincial Government
Environmental Implementation Plan**

As required in terms of Section 11 of the National Environmental Management Act, 1998 (Act No. 107 of 1998)

FIRST EDITION
2002

Compiled by:

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This report is the product of inputs from various government officials, academics, environmental and legal practitioners, students, and members of the CEC EIP/EMP Working Group. We would like to thank all of the participants for the interest, support and constructive input in compiling this report.

LIST OF ABBREVIATIONS

CEC:	Committee for Environmental Coordination
DEAT:	Department of Environmental Affairs and Tourism
DFA:	Development Facilitation Act (Act No. 67 of 1995)
DLA:	Department of Land Affairs
DAEA:	Department of Agriculture and Environmental Affairs
DTLGA:	Department of Traditional Affairs and Local Government
DWAF:	Department of Water Affairs and Forestry
ECA:	Environment Conservation Act (Act No. 73 of 1989)
EDDSS:	Environmental Database and Decision Support System
EIA:	Environmental Impact Assessment
EMF:	Environmental Management Framework
EIP:	Environmental Implementation Plan
EMP:	Environmental Management Plan
HOD:	Head of Department
IDP:	Integrated Development Plan
IDZ:	Industrial Development Zone
IEM:	Integrated Environmental Management
KPI:	Key Performance Indicators

KZN:	KwaZulu-Natal
LDO:	Land Development Objectives
MEC:	Member of Executive Council
MOU:	Memorandum of Understanding
NDA:	National Department of Agriculture
NEMA:	National Environmental Management Act (Act No. 107 of 1998)
PCEC:	Provincial Committee for Environmental Coordination
SEA:	Strategic Environmental Assessment
SoER:	State of Environment Report
SDI:	Spatial Development Initiative

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DEFINITIONS AND KEY CONCEPTS

Within the context of this document, the following definitions and concepts apply:

Activities

This refers to the definition of "activities" used in the National Environmental Management Act (1998), section 1(1)(i) and should be taken to reflect policies, programmes, plans and projects.

Accountability

This refers to the requirement for organs of the state to account for their conduct and decision-making in handling the responsibilities they are charged with. This is in line with Section 33 of the Constitution, which ensures that anyone whose rights have been affected by administrative action has the right to be given written reasons therefore. This culminates in the right to administrative action that is lawful, reasonable and procedurally fair.

Capacity

Capacity implies the province's capacity in terms of people and budget to perform the priority functions to ensure effective implementation and functioning of the mechanisms, systems and procedures for coordination in line with the principles of cooperative governance as provided in the Constitution (1996) and the National Environmental Management Act (1998).

This means all resources required to and/or available to achieve the priority functions of cooperative environmental governance. They are the human and the budgetary resources, mechanisms, procedures, etc to be applied to ensure effective cooperation. A projection of financial and personnel availability is to be made to facilitate the implementation of identified mechanisms, management systems and procedures for cooperative governance. Departments must realistically identify incapacities and inadequacies in resource availability.

Cooperation

Cooperation implies cooperative governance as provided in Chapter 3 of NEMA and Sections 41 and 146(3) of the South African Constitution (Act 108 of 1996). It ensures that the environment is managed in an effective, transparent, accountable and coherent manner by all involved in the KwaZulu-Natal Province. It ensures that all involved exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of the others but promotes mutual trust and good faith by informing one another and consulting one another on matters of common interest and adhering to agreed procedures to avoid duplication and non performance.

Coordination

Coordination implies defining the requirements of effective cooperative governance to ensure clarity regarding environmental jurisdiction and elimination of duplication of functions in different spheres of government departments and all stakeholders in the province as provided by Section 41(1)(h)(iv) and Section 24(7)(g) of NEMA.

Environment

This refers to the definition of "environment" reflected in NEMA, and means the surroundings within which humans exist and that are made up of —

- ☐ the land, water and atmosphere of the earth;
- ☐ micro-organisms, plant and animal life;
- ☐ any part or combination of (a) and (b) and the interrelationships among and between them; and
- ☐ the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.

Institutional arrangements

This refers to a well-defined framework, which encompasses all spheres of government to ensure effective implementation of principles in the EIPs and EMPs. This pertains to both internal and external relationships. External relationships with other stakeholders such as civil society structures, commerce and industry and academia, should be established. The internal relationships within the province, and organs of state within it, should be identified (Section 13(1)c of NEMA).

Integrated Environmental Management

This refers to the provision of an integrated approach to environmental assessment, management and decision making, with the aim of promoting sustainable development and the equitable use of resources. Integrated Environmental Management provides for a democratic, participatory, holistic, sustainable, equitable and accountable approach.

Information dissemination

This entails furnishing of environmental information to relevant departments and institutions. This means opening up communication channels and ensuring coordination. This communication needs to be effectively facilitated either formally through defined structures or informally. Section 32(1)(2) of the Constitution entrenches the rights of citizens to access any information held by the state and any information held by anyone that is required for the exercise or protection of any rights. The Promotion of Access to Information Act (2000) gives effect to this right. Section 31 of NEMA expands on information dissemination in an environmental context.

Lead department

The lead department for environmental management in KwaZulu-Natal is the Provincial Department of Agriculture and Environmental Affairs. It is responsible for exercising and ensuring cooperative governance in the province in line with Section 11 of NEMA. It carries this mandate from the Premiers Office. A lead department may also be defined as the organ of state responsible to exercise a specific function.

Strategic partners

Strategic partners are all the relevant national, provincial and local government departments, organs of state and other agencies whose activities directly or indirectly relate to the activities of the lead department. These strategic partners work in close contact with the lead department in ensuring cooperative governance in environmental management in the province. They link with the lead department in the process of their activities to ensure integration for good governance, as required by section 23 of NEMA. These departments shall also coordinate their functions with the lead department as provided in NEMA.

SECTION 1: INTRODUCTION**1.1 Background**

The Environmental Management Policy for South Africa (1998)¹ projects an integrated and holistic management system for the environment aimed at achieving sustainable development. The policy identifies 7 strategic goals, which will lead to an integrated system, and ultimately a sustainable environment. Two of these strategic goals are of particular relevance:

Goal 1: Effective Institutional Framework and Legislation

Create an effective, adequately resourced and harmonized institutional framework and an integrated legislative system, and build institutional capacity in all spheres of government to ensure the effective implementation of this policy.

Goal 2: Holistic and Integrated Planning and Management

Develop mechanisms where necessary, and build on existing ones, to ensure that environmental considerations are effectively integrated into existing and new government policies, legislation and programmes, all spatial and economic development planning processes and all economic activity.

Meeting the challenge of creating an integrated and holistic management system for the environment requires firstly a reflection of the principles and foundations of cooperative government and intergovernmental relations as spelled out in Section 41 of the Constitution (Act 108 of 1996). It further acknowledges public participation in governance.

The National Environmental Management Act (NEMA) (Act No. 107 of 1998) was therefore promulgated to give effect to cooperative environmental governance by aiming to provide —

- ☐ Principles for decision making on matters affecting the environment.
- ☐ Institutions that will promote cooperative governance, and
- ☐ Procedures for coordinating environmental functions exercised by organs of state.

Procedures to facilitate cooperative environmental governance are specified in Chapter 3 of NEMA through a system of environmental implementation and management plans. These plans aim to contribute to the overall vision of the Republic of South Africa of a society in harmony with its environment. More specifically they will provide a mechanism to coordinate and harmonise activities and functions that may affect the environment.

The purpose and requirements of the environmental implementation and management plans are summarized in Table 1 which also aims to show how NEMA reflects the principles of intergovernmental relations.

¹ White Paper on Environmental Management Policy for South Africa, GN 749 of 1998

Table 1: Purpose and requirements of EIPs and EMPs and the manner in which NEMA aims to improve cooperative environmental governance

Focus areas of cooperative governance	NEMA requirements for EIP	NEMA requirements for EMP	Objective
Decision-making	<input type="checkbox"/> A description of the manner in which the province will ensure that its functions comply with the relevant legislative provisions.	<input type="checkbox"/> A description of the functions exercised by the relevant departments in respect of the environment. <input type="checkbox"/> A description of environmental norms and standards	<input type="checkbox"/> Coordinate and harmonise decisions of government bodies that are responsible for the promotion and protection of a sustainable environment. <input type="checkbox"/> Promote consistency in the exercise of functions that may affect the environment. <input type="checkbox"/> Identify areas of duplication and recommend ways to overcome them thereby giving effect to the principle of co-operative government in Chapter 3 of the Constitution.
Priorities, budgets, policies and activities across interrelated functions and sectors	<input type="checkbox"/> A description of policies, plans and programmes that may significantly affect the environment. <input type="checkbox"/> A description of the manner in which the relevant policies, plans and programmes comply with NEMA as well as any national norms and standards envisaged in the Constitution.	<input type="checkbox"/> Description of the policies, plans and programmes of the department that are designed to ensure compliance with its policies by other organs of state and persons. <input type="checkbox"/> Description of the priorities regarding compliance with the relevant department's policies by other organs of state and persons. <input type="checkbox"/> Description of the extent of compliance with the department's policies by other organs of state and persons.	<input type="checkbox"/> Coordinate and harmonise environmental policies, plans, and programmes of government bodies that are responsible for the promotion and protection of a sustainable environment. <input type="checkbox"/> Identify areas of duplication and recommend ways to overcome them thereby giving effect to the principle of co-operative government in Chapter 3 of the Constitution.
Information	<input type="checkbox"/> Section 15(2) requires EIPs to be gazetted within 90 days of approval. <input type="checkbox"/> Additional requirements in terms of Chapter 6 of NEMA <input type="checkbox"/> NEMA section 2(4)(k)	<input type="checkbox"/> Section 15(2) requires EMS to be gazetted within 90 days of approval. <input type="checkbox"/> Additional requirements in terms of Chapter 6 of NEMA <input type="checkbox"/> NEMA section 2(4)(k)	<input type="checkbox"/> Enable the responsible national Minister to monitor the achievement, promotion, and protection of a sustainable environment. <input type="checkbox"/> Ensure smooth flow within and between government and communities. <input type="checkbox"/> Inform the public of the manner in which government will address environmental management.
Implementation of policy and programmes	<input type="checkbox"/> Recommendations for promotion of the objectives and plans for the implementation of the procedures and regulations in Chapter 5 of NEMA.	<input type="checkbox"/> Description of arrangements for cooperation with other spheres of government (MOUs, delegations, assignments) <input type="checkbox"/> Proposals for the promotion of the objectives and plans for the implementation of the procedures and regulations in Chapter 5 of NEMA.	<input type="checkbox"/> Consolidate integrated environmental management processes already underway. <input type="checkbox"/> Enhance the mechanisms of co-operative governance within each province and between the various spheres of government
Conflicts and disputes	<input type="checkbox"/> Requirements in terms of Chapter 4 of NEMA <input type="checkbox"/> NEMA Section 2(4)(m)	<input type="checkbox"/> Requirements in terms of Chapter 4 of NEMA <input type="checkbox"/> NEMA Section 2(4)(m)	<input type="checkbox"/> Prevent unreasonable actions by provinces in respect of the environment.

1.2 Purpose of this report

The development of cooperative governmental relations and procedures is a *process* and not an event. This First Edition EIP represents the commencement of the process, aimed at environmental governance, in KwaZulu-Natal.

This report meets the requirements of Chapter 3 of the NEMA in terms of which all provincial governments are required to have an Environmental Implementation Plan (EIP).

It considered the guidelines² provided by the Department of Environmental Affairs and Tourism (DEAT), other EIPs and EMPs, and recommendations from the Committee of Environmental Coordination (CEC) (established under section 7 of NEMA) and the CEC EIP/EMP Subcommittee.

The report serves as the Framework Provincial Plan for the implementation of cooperative environmental governance in KwaZulu-Natal.

The plan will be revised and updated every four years and reported on annually to monitor progress towards cooperative environmental governance.

1.3 Preparation and compilation of the First Edition Provincial EIP

The Department of Agriculture and Environmental Affairs (DAEA) is responsible for the process of EIP preparation.

² Directorate: Environmental Planning and Impact Management, 1999. Guidelines for Preparation of the First Edition Environmental Implementation Plans and Environmental Management Plans. DEAT, Pretoria

The interpretation and approach taken by the Department for preparation of the First Edition EIP is summarised:

- ☐ The preparation process must reflect the needs of both the legislative requirements and the provinces' requirements.
- ☐ The First Edition EIP must lay the foundation for a cooperative environmental governance system.
- ☐ The compliance component of the First Edition EIP will be limited as the approach is to firstly establish the reference framework for future evaluation.
- ☐ Processes, relationships and interactions are the focal points for preparing the EIP.
- ☐ Clarification of cooperative governance roles, responsibilities and relationships of the relevant government departments, with respect to environmental management, is the first priority.
- ☐ A focus on issues of cooperative governance and institutional considerations, highlighting their relationship to the principles for sustainable development as contained in NEMA section 2.
- ☐ The content of the EIP should reflect existing available information, does not require the preparation of additional independent work, and takes into account available capacity and planned resources of the relevant departments.

1.3.1 Key steps in the EIP preparation

Key steps in the EIP preparation process are summarised below:

- ☐ Analysis of the governance landscape of the province to obtain a strategic view of KwaZulu-Natal.
- ☐ Identification of provincial priority functions and responsible provincial departments.
- ☐ Identification of priority environmental issues applicable to the priority functions.
- ☐ Drafting of a framework EIP and request for information from the relevant departments.
- ☐ Synthesis of information provided by the relevant departments.
- ☐ Submission of the report to the CEC EIP/EMP Subcommittee for review.
- ☐ Submission of the report to all relevant provincial stakeholders for review and comments.
- ☐ Submission of the report to the portfolio committee and the KZN Provincial Executive Council.
- ☐ Submission of the report to the CEC for scrutiny and adoption.
- ☐ Report on the implementation of the EIP annually, as is required in terms of Section 16(1)(b) of the Act.
- ☐ Ongoing development and revision of the EIP and submission of the Second Edition EIP in 2005

1.3.2 Provincial stakeholders for preliminary consultation in the First Edition EIP process

- ☐ National and provincial government departments.
- ☐ Selected organs of state.

1.3.3 Provincial stakeholders for consultation in the Second Edition EIP process

- ☐ Local government departments and institutions.
- ☐ Organised civil groups, business and industry working with the themes of governance and environmental management.

1.3.4 Key past and ongoing activities in the consultation process for the First Edition EIP

- ☐ Communication with the MEC and the Premier with respect to the EIP preparation process.
- ☐ Intra- and interdepartmental communication and awareness raising on the statutory requirements for EIP preparation through:
 - o Letters to selected Heads of Provincial Departments to participate in structured interviews and provide information.
 - o Interviews with senior management of selected departments.
 - o Bi-lateral meetings with representatives of provincial and national departments.
- ☐ Circulation of first draft framework EIP (2001) to the departments of Traditional and Local Government Affairs, Health, Transport, Economic Affairs and Tourism, and the Premier.
- ☐ Review of the draft framework EIP by the CEC EIP Subcommittee.
- ☐ Circulation of the draft First Edition EIP (2002) to all the relevant departments and municipalities for comments.

The final report was submitted to the Committee for Environmental Coordination for scrutiny and recommendation to the Minister of the Department of Environmental Affairs and Tourism (DEAT) for his adoption and publication in the relevant *Gazette*.

1.3.5 Information sources for preparation of the EIP

The following documents were consulted in the preparation of this EIP:

- ☐ Departmental strategic planning documents, business plans, operational plans and annual reports;
- ☐ Budget speeches and the Premier's State of the Province Address;
- ☐ Province of KwaZulu-Natal Budget Statements 2001/2002;
- ☐ KwaZulu-Natal Preliminary State of the Environment Report (SoER)³;
- ☐ KwaZulu-Natal Sustainable Development Performance Report (2001)⁴;
- ☐ National and Provincial Environmental Implementation and Management Plans, including those for —
 - o Mpumalanga,
 - o Gauteng,
 - o Northern Province,
 - o Department of Land Affairs,
 - o Department of Water Affairs and Forestry,
 - o Department of Trade and Industry;

and

- ☐ Relevant national and provincial legislation.

³ Directorate: Pollution Control, 1998. Preliminary State of the Environment Report for KwaZulu-Natal. DTEA, Pietermaritzburg

⁴ Directorate: Development Planning, 2001. KwaZulu-Natal Performance Report on Sustainable Development. DT and LGA, Pietermaritzburg

SECTION 2: REFERENCE FRAMEWORK FOR EVALUATION

2.1 Introduction and approach

The NEMA, Section 16, provides the following requirements for compliance with the provincial EIP:

- ☐ The province must exercise its functions in accordance with their EIP.
- ☐ The province must report annually within four months of the end of their financial year on the implementation of its adopted plan.
- ☐ Reports must be submitted to the Director-General of the DEAT and the CEC.
- ☐ The Director-General must monitor compliance and may take steps to ensure compliance where necessary.
- ☐ Provincial government must ensure that municipalities comply with the relevant provincial environmental implementation plan.
- ☐ Provincial government must ensure that municipalities adhere to NEMA principles in the preparation of any policy, programme or plan, including the establishment of integrated development plans (IDPs and land development objectives (LDOS).

2.2 Current arrangements for reporting and monitoring

The NEMA Section 16 requirements focus on reporting and compliance with the EIP. So that KwaZulu-Natal may meet these requirements, it is necessary to consider the content and manner of reporting. Processes and procedures for monitoring compliance have to be agreed upon, and work towards cooperative arrangements for information management has to be considered. This is in order to streamline the reporting activities and structures, and to minimize duplication in efforts by provincial departments and between provincial and national government processes. It is expected that implementation of the EIP by the province will be monitored by the Auditor-General through scrutiny of measurable targets, processes and objectives contained within the EIP. The DAEA will be the responsible authority for facilitating reporting to DEAT.

Organisational performance evaluation is promoted through Section 26 of NEMA, which requires an Annual Performance Report on Sustainable Development to meet government's commitment to Agenda 21.

The KwaZulu-Natal provincial government has compiled a first Provincial Performance Report on Sustainable Development (2001). The report is the product of a collaborative effort by provincial government departments, and reflects gaps in and sufficiency of existing and available information on sustainable development and governance issues.

Organisational performance evaluation is also promoted through the EIP/EMP process, but standards and performance indicators to measure cooperative environmental governance are deficient. The indicators used in this Edition EIP relate to the NEMA principles and relevant legislative provisions as discussed in section 2.3 below. These sustainable indicators will be used to measure compliance of functions, policies, plans and programmes. Section 6 of this report elaborates on how performance indicators will be used in EIP compliance monitoring.

Sustainable development indicators relating to the condition of the environment do not fall within the scope of the EIP/EMP process. Indicators for State of Environment Reporting (SoER) are part of a different process.

It is however, the objective of Chapter 3 of NEMA to consolidate and align IEM processes. For this reason, the EIP process attempts to link with the SoER process as discussed in section 2.4. The KZN Performance Report on Sustainable Development (2001) has also been considered in the document. Collectively these indicators will provide the means of achieving the goals of environmental management.

2.3 Reference framework for the First Edition EIP

To facilitate the commencement of the EIP process a reference framework had to be established as the means with which to evaluate mandates and functions in the province. The following framework was established:

2.3.1 Clustering of NEMA principles

The NEMA principles have been clustered into six themes as follows:

- ☐ Sustainable development;
- ☐ Integration of environmental considerations into decision-making;
- ☐ Participation, Empowerment and Transparency;
- ☐ Environmental Justice and Equity;
- ☐ Ecological integrity; and
- ☐ Cooperative governance.

A description of the principles is provided in Annexure 1.

2.3.2 Compliance with the relevant legislative provisions

NEMA requires integrated decision-making. The mandates of all departments entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment must therefore be coordinated and harmonised (NEMA, Section 12(a)).

To establish a reference framework to assess compliance to the relevant legislative provisions, while promoting the coordination and harmonisation of decisions, the following approach was taken —

- ☐ To promote the broad definition of the environment, the elements of the environment were categorised into physical resources, water resources, biological resources, cultural resources, socio-economic resources and land use and infrastructure.
- ☐ The relevant legislative provisions, which aim to achieve, promote and protect a sustainable environment per element, were then identified.
- ☐ The legislative provisions were categorized into 3 groups, or classes, to facilitate a pragmatic approach for compliance. These are defined as follows:

Class 1 environmental legislative provisions:

Legislation and/or regulations that require the issue of a permit, authorisation or licence for an activity that may impact the environment are considered class 1 provisions.

Class 2 environmental legislative provisions:

Legislation that influences and should be taken into consideration in environmental decision-making is listed under class 2 provisions. They do not necessarily require the issue of a permit, authorisation or licence.

Class 3 environmental legislative provisions:

Policies, conventions, principles and certain norms and standards, which serve to guide decision-making with regard to sustainable development, are grouped under this category.

The above approach offers a first attempt at providing a model that promotes a broad definition of the environment, as well as an effective mechanism for monitoring and reporting on environmental governance. The model must be refined to guide organs of state towards integrated decision-making. The model is reflected in Annexure 2.

2.3.3 Compliance to national norms and standards

All organs of state must operate within and consider national norms and standards when formulating policy and making decisions. Certain

national departments have developed norms and standards for environmental management. Provincial environmental departments are in the process of developing environmental management standards for impact management.

The KZN Department of Agriculture and Environmental Affairs have established the information base for the development of norms and standards for roads, electricity distribution, communication structures, low-cost housing development, abattoirs and activities for the breaking of virgin soil. The Second Edition EIP will elaborate and report on these.

Norms and standards may be incorporated in the model as described above.

2.3.4 Implementation of environmental governance in provincial and local government spheres

The process of compiling Integrated Development Plans (IDPs) for municipalities has commenced in KwaZulu-Natal. The IDP process identifies the profile and activities of local government for each municipality, and assists in the development of work plans for local government planning. A Provincial IDP Forum has been established to coordinate and align all IDPs in the province through a process of review. This forum is a mechanism for cooperative governance in the province, and it operates under the Department of Traditional and Local Government Affairs.

In conjunction with provincial government departments, municipalities will be the agencies responsible for environmental management at local level, through integrating environmental and development planning. Hence the IDP process as a whole, from provincial to local level, provides a framework opportunity for the implementation of the EIP and the application of integrated environmental management, following the requirements of Section 2 of the NEMA. Through the Provincial IDP Forum, the IDP formulation and review processes can assist DAEA to clarify its role in terms of the support that it may provide to local and provincial government, and to collaboratively develop criteria and indicators for reviewing progress in the implementation of the EIP. The alignment and integration of the EIP and IDP process consequently is a priority for KwaZulu-Natal.

Criteria relating to the implementation of the EIP at local government level should be developed to provide the following:

- ☐ Information on capacity and budgeting;
- ☐ Decision-making structures and processes;
- ☐ Coordination mechanisms;
- ☐ Legal compliance.

2.4 Provincial environmental issues and indicators

The environmental pressures, or issues, being experienced in the province may be an indication of how the environment is being managed. These issues may give an indication of where priority action or improved management is required, and whom the role players are that need to cooperate to respond to environmental pressures. That is why measuring the State of the Environment is a useful tool in environmental management.

The EIP process does not focus on the state of the environment. It focuses on the state of environmental governance. It is successful relationships and interactions, and effective mechanisms and processes that will inevitably reflect a healthy state of the environment.

The Provincial Department of Agricultural and Environmental Affairs (DAEA) completed a Preliminary SoE Report for KZN in 1998. This report was preliminary and limited in nature due to severe budget constraints. It comprised a desktop study designed to assemble all readily available information at that time. The report provided a basis on which to develop a more comprehensive SoE Report for KZN and identified some serious gaps in available information, highlighting the need for a more comprehensive report to be done in the future. The identified environmental pressures experienced in the province were taken into consideration in the preparation of this EIP.

The Department of Environmental Affairs and Tourism (DEAT) has published a Draft National Core Set of Environmental Indicators (2001)¹, which are in the process of being finalised. The national indicator themes are used in this report to highlight consolidation and alignment of future processes aimed at Integrated Environmental Management.

These issues are also addressed via the IDP processes described in Section 2.3.4 above and the other processes described in Section 2.5. below.

2.5 Other processes

There are a variety of other processes that are dealt with in other forums and structures. These are described in detail in Section 4.3 below. These processes are crosscutting and require considerable cooperation between government departments and interested and affected stakeholders.

SECTION 3: MANDATES AND FUNCTIONS IN THE PROVINCE

3.1 Introduction

The aim of this chapter is to provide a strategic review of the framework for environmental governance in the province of KZN. Functions of the three spheres of government are briefly explored in order to ascertain the potential contribution of each to environmental management and decision-making. Other role players in environmental management are also considered.

While the centre of attention for the First Edition EIP is on provincial government, this chapter aims to show that the system for environmental management is driven by various role players, some of which impacts on the environment, and others which are involved in the management of the environment. A sustainable environment depends on the interdependent implementation of environmental objectives. Alignment of the three spheres of government falls within the ambit of the Second Edition EIP.

3.2 Policy and legal framework

The governance landscape of KwaZulu-Natal reflects the three spheres of government introduced by the Constitution of the Republic of South Africa², each of which is regarded as distinctive, interrelated and interdependent spheres of government. The powers of national, provincial and local spheres of government to legislate on particular environmental matters are defined by schedules 4 and 5 of the Constitution. Areas of specific relevance to environmental issues are summarized in Table 2.

In respect of environmental performance the following sections of the Bill of Rights (Chapter 2 of the Constitution) are 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
- ☐ Section 231 International agreements
- ☐ Section 232 Customary Law

The strategic drivers for environmental governance are found in national, provincial and local policy and legislation. Policy and legislation relevant to specific impacting and managing activities are indicated in the tables in Section 5 of this report.

¹ Directorate: Environmental Information and Reporting, 2001. National Core Set of Environmental Indicators. DEAT, Pretoria

² Construction of Republic of South Africa, Act 108 of 1996

International agreements and conventions also influence the environmental governance landscape. A number of significant treaties are listed in the tables in Section 5, and Annexure 2 of this report.

Table 2: Functional areas of competence with environmental relevance in the 3 spheres of government (* an asterisk indicates areas of local authority competence)

Environmentally related areas of concurrent national and provincial competence	Environmentally related areas of exclusive provincial competence
<input type="checkbox"/> Administration of Indigenous Forests <input type="checkbox"/> Air Pollution* <input type="checkbox"/> Agriculture <input type="checkbox"/> Animal Control and Diseases <input type="checkbox"/> Cultural Matters <input type="checkbox"/> Disaster Management <input type="checkbox"/> Environment <input type="checkbox"/> Health Services <input type="checkbox"/> Housing <input type="checkbox"/> Industrial Promotion <input type="checkbox"/> Nature Conservation <input type="checkbox"/> Pollution Control <input type="checkbox"/> Regional Planning and Development <input type="checkbox"/> Soil Conservation <input type="checkbox"/> Tourism <input type="checkbox"/> Trade <input type="checkbox"/> Urban and Rural Development <input type="checkbox"/> Electricity and Gas Reticulation* <input type="checkbox"/> Local Tourism* <input type="checkbox"/> Municipal Planning* <input type="checkbox"/> Municipal Health Services* <input type="checkbox"/> Pontoons, Ferries, Jetties, Piers, and Harbours* <input type="checkbox"/> Stormwater management systems in built-up areas* <input type="checkbox"/> Water and sanitation services limited to potable water supply systems and domestic waste-water and sewerage disposal system*	<input type="checkbox"/> Abattoirs <input type="checkbox"/> Provincial planning <input type="checkbox"/> Provincial cultural matters <input type="checkbox"/> Provincial roads and traffic <input type="checkbox"/> Beaches* <input type="checkbox"/> Billboards and display of advertisements in public places* <input type="checkbox"/> Cemeteries, funeral parlours and crematoria* <input type="checkbox"/> Cleansing* <input type="checkbox"/> Control of public nuisances* <input type="checkbox"/> Facilities for the accommodation, care and burial of animals* <input type="checkbox"/> Fencing and fences* <input type="checkbox"/> Municipal parks and recreation* <input type="checkbox"/> Noise pollution* <input type="checkbox"/> Refuse removal, refuse dumps and solid waste disposal*

3.3 National government in KZN

National departments exercising functions which may *impact* the environment are required by NEMA to prepare environmental implementation plans, while national departments exercising functions involving the *management* of the environment must prepare environmental management plans. These departments have reported on their functions, compliance with relevant legislative provisions, including NEMA principles and national norms and standards in their respective EIPs or EMPs. Alignment of the national plans with the provincial plans will take place in future.

For the purpose of this Edition EIP, the national departments fulfilling functions within the province's boundaries are highlighted for clarity. Table 3 provides an overview of selected national functions within KZN. The strategic directions of the relevant departments were linked with the draft national environmental indicators for SoE Reporting. This will assist in strengthening governance mechanisms once the KZN SoER process is functional.

Table 3: National government departments

Department	Strategic directions	Relevant Indicator Themes
Agriculture	<input type="checkbox"/> Guide and support sustainable resource use, production, trade and research in agriculture <input type="checkbox"/> Maximize the contribution of the agricultural sector to economic growth <input type="checkbox"/> Promote equity and social development in a sustainable manner <input type="checkbox"/> Regulate the breaking of virgin ground <input type="checkbox"/> Support to commercial farming sector <input type="checkbox"/> Infrastructure development in support of agricultural development <input type="checkbox"/> Controls importation, sale, acquisition, disposal and use of fertilizers, farm feeds, agricultural remedies and stock remedies	<input type="checkbox"/> Inland Water <input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land Use <input type="checkbox"/> Integrated Indicators
Environmental Affairs and Tourism	<input type="checkbox"/> Promotion of sustainable development <input type="checkbox"/> Establishment of responsible tourism to ensure environmental sustainability and contribute to job creation <input type="checkbox"/> Promotion and control of Transfrontier conservation areas and World Heritage Sites <input type="checkbox"/> Air quality management and regulation <input type="checkbox"/> Lead environmental agent, and general environmental management protection	<input type="checkbox"/> Inland Water <input type="checkbox"/> Marine and Coast <input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land Use <input type="checkbox"/> Human Settlements <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Integrated Indicators
Health	<input type="checkbox"/> Improve access to health care and reducing inequality <input type="checkbox"/> Working in partnership with other stakeholders to improve the quality of care <input type="checkbox"/> Emphasis preventative and promotive health care <input type="checkbox"/> Improve the efficiency of the health care system <input type="checkbox"/> Promote a safe and healthy environment	<input type="checkbox"/> Human Settlements <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Inland Water <input type="checkbox"/> Integrated Indicators
Housing	<input type="checkbox"/> Promote, facilitate and monitor the provision of low cost housing to disadvantaged communities <input type="checkbox"/> Develop viable and sustainable communities	<input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land Use <input type="checkbox"/> Human Settlements <input type="checkbox"/> Integrated Indicators

Department	Strategic directions	Relevant Indicator Themes
Land Affairs	<input type="checkbox"/> Resettlement and redistribution of land to previously disadvantaged communities <input type="checkbox"/> The settlement of land claims <input type="checkbox"/> Restitution of land rights	<input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land Use <input type="checkbox"/> Human Settlements <input type="checkbox"/> Integrated Indicators
Minerals and Energy	<input type="checkbox"/> Promoting the equitable distribution of benefits delivered from mineral and energy resources <input type="checkbox"/> The promotion and regulation of mining and quarries <input type="checkbox"/> The development and promotion of alternative energy sources <input type="checkbox"/> Improving health and safety in the mining industry. <input type="checkbox"/> Rehabilitation of mines	<input type="checkbox"/> Inland Water <input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land use <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Integrated Indicators
Public works	<input type="checkbox"/> The creation of assets through Community Based Public Works Programme (CBPWP) <input type="checkbox"/> The provision, development and maintenance of state assets <input type="checkbox"/> Ensure infrastructure is provided in a way to create jobs and empower communities	<input type="checkbox"/> Land Use <input type="checkbox"/> Human Settlements <input type="checkbox"/> Integrated Indicators
Trade and Industry	<input type="checkbox"/> Facilitate access to sustainable economic activity and employment, through increased investment <input type="checkbox"/> Assist SMME development <input type="checkbox"/> Promote economic empowerment and encourage regional growth <input type="checkbox"/> Promotion of Spatial development initiatives and Industrial development Zones <input type="checkbox"/> Promotion of environmental incentives; managing environmental trade barriers	<input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Marine and Coast viz (economic contribution of marine resources, commercial fishing rights supporting SMME development). <input type="checkbox"/> Land Use <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Integrated Indicators
Transport	<input type="checkbox"/> Planning new transportation infrastructure to improve mobility and quality of life <input type="checkbox"/> Regulation of the transportation system to ensure efficiency and effectiveness <input type="checkbox"/> Managing the transportation system to ensure its upkeep	<input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Human Settlements <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Inland Water <input type="checkbox"/> Integrated Indicators
Water Affairs and Forestry	<input type="checkbox"/> Regulates the protection, use, development, conservation, management and control of the country's freshwater resources <input type="checkbox"/> Oversees national legislation, permit systems and monetary measures with the aim of controlling water usage and pollution <input type="checkbox"/> Protects the integrity of water resources <input type="checkbox"/> Regulates municipal sewerage and landfill sites <input type="checkbox"/> Promotion of forestry, specifically community forestry <input type="checkbox"/> The management of natural and plantation forests.	<input type="checkbox"/> Inland Water <input type="checkbox"/> Mariner and Coast <input type="checkbox"/> Biodiversity and Natural Heritage <input type="checkbox"/> Land Use <input type="checkbox"/> Human Settlements <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Waste Management <input type="checkbox"/> Integrated Indicators

3.4 Provincial government in KwaZulu-Natal

The Provincial 2020 Vision⁷ provides that *"The dynamic province of KwaZulu-Natal will be characterized by a peaceful, secure, prosperous, healthy, educated and democratic society, and as being attractive and competitive both in local and global terms"*

The broad long-term strategic objectives of the province, in short, are:

- ☐ To achieve sustainable economic growth.
- ☐ To create employment.
- ☐ To promote social and equity development.

Two critical developmental priorities to meet the strategic objectives of the province were identified in the province's Medium Term Expenditure Framework:

- ☐ Public sector infrastructure maintenance and development.
- ☐ Education and health improvements.

The provincial government intends to achieve its strategic objectives through 14 departments. The departments and their strategic directions are briefly introduced in Table 4. An attempt is made to point out each department's contribution to sustainable development by identifying their potential role in future environmental reporting and by means of linking their functions with the environmental indicator themes for state of the environment reporting. This provides a basis for identifying relationships for cooperative environmental governance. The policy and mandates of departments selected for this edition EIP are described later in the text.

⁷ The Provincial Growth and Development Strategy for KwaZulu-Natal, 1996.

Table 4: Provincial government departments and their contribution to sustainable development reporting

Department	Strategic directions	Relevant Indicator Themes
Office of the Premier	<input type="checkbox"/> Support the Premier in providing clear guidance and direction. <input type="checkbox"/> Coordinating macro provincial and transversal issues. <input type="checkbox"/> Rendering assistance and support, and enabling provincial departments to achieve improved service delivery.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Uncertain of other indicators
Provincial Parliament	<input type="checkbox"/> To provide a legislative framework for the enhancement of responsiveness to the needs of the people of KZN. <input type="checkbox"/> To facilitate upliftment of the quality of life through the rational usage of available resources, especially human resources.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Uncertain of other indicators
Agriculture and Environmental Affairs	<input type="checkbox"/> To promote, in partnership with relevant role players, a prosperous community through sound agricultural systems and environmental practices.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Marine and Coast <input type="checkbox"/> Inland Water <input type="checkbox"/> Waste <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Human Settlement <input type="checkbox"/> Land Use <input type="checkbox"/> Biodiversity and Natural Heritage
Economic Development and Tourism	<input type="checkbox"/> To promote a thriving, globally competitive economy that will house dynamic industrial and service sectors, with a world class tourism destination characterised by excellent service standards. The facilitation of employment, raising the quality of life and creating prosperity for all.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Human Settlement <input type="checkbox"/> Land Use
Education and Culture	<input type="checkbox"/> Education: To provide quality education which will fully develop the potential of each learner in a democratic environment. <input type="checkbox"/> Arts and Culture: To support a democratic and just cultural dispensation based on the principles of Ubuntu. <input type="checkbox"/> Sports and Recreation: To deliver sport and recreation to all communities especially the previously disadvantaged.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Biodiversity and Natural Heritage
Finance	<input type="checkbox"/> To ensure sound financial management and compliance with the Public Finance Management Act in KwaZulu-Natal.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Uncertain of other indicators
Health	<input type="checkbox"/> To provide information, education and actions in order to prevent the occurrence of disease. <input type="checkbox"/> In the event of disease, to provide appropriate and cost-effective curative care.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Inland Water <input type="checkbox"/> Waste <input type="checkbox"/> Atmosphere and Climate <input type="checkbox"/> Human Settlement
Housing	<input type="checkbox"/> To effectively and efficiently manage the implementation of national and provincial housing programmes in partnership with the relevant role players to provide adequate, affordable and sustainable shelter for qualifying citizens in KwaZulu-Natal.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Inland Water <input type="checkbox"/> Human Settlement <input type="checkbox"/> Land Use
Safety and Security	<input type="checkbox"/> To monitor police services and foster good relations between the public and the police through progressive partnerships with civil society, in the promotion of social crime prevention.	<input type="checkbox"/> Uncertain of indicators
Royal Household	<input type="checkbox"/> To support the Premier in rendering assistance and support services to His Majesty the King and the Zulu Royal Household.	<input type="checkbox"/> Uncertain of indicators
Traditional and Local Government Affairs	<input type="checkbox"/> To foster good governance through traditional and local government structures by — <input type="checkbox"/> Promoting integrated planning and sound development administration; <input type="checkbox"/> Administering tenure and land survey in traditional communities; <input type="checkbox"/> Initiating, facilitating and coordinating rural development in traditional communities.	<input type="checkbox"/> Integrated Indicators <input type="checkbox"/> Human Settlement <input type="checkbox"/> Land Use
Transport	<input type="checkbox"/> To promote efficient transportation systems and traffic safety within KwaZulu-Natal.	<input type="checkbox"/> Land Use <input type="checkbox"/> Uncertain of other indicators

Department	Strategic directions	Relevant Indicator Themes
Welfare and Population Development	<input type="checkbox"/> To ensure the provision, promotion and development of comprehensive, people-centred, social welfare services to the community in order to maximise the inherent potential of every individual in KwaZulu-Natal.	<input type="checkbox"/> Human Settlement <input type="checkbox"/> Uncertain of other indicators
Works	<input type="checkbox"/> To provide for and administer the immovable assets for the functional purposes of the KwaZulu-Natal Provincial Administration.	<input type="checkbox"/> Land Use <input type="checkbox"/> Uncertain of other indicators

A number of parastatal organizations and independent agencies established under provincial laws play a role in cooperative environmental governance. These organizations and agencies, described in Table 5, assist the province to implement its functions and to meet its strategic requirements in support of the PGDS.

Table 5: Other environmental governance role players

Role player	Contribution to cooperative environmental governance
KwaZulu-Natal Nature Conservation Services (KZN Wildlife)	Agency responsible for management of biodiversity
KwaZulu-Natal Tourism	Agency for responsible and sustainable tourism development
Amafa aKwaZulu-Natali	Protection and preservation of cultural and heritage resources through approvals for development permits
KwaZulu-Natal Sharks Board	Responsible for research and conservation
Ithala Development Finance Corporation	Support and financing of infrastructural, industrial and commercial development
CSIR	Research and scientific monitoring
Town and Regional Planning Commission	Research and policy formulation
Lubombo Spatial Development Initiative	Strategic economic development through industry and tourism
Trade and Investment KwaZulu-Natal	Growth of small and medium enterprise and export development

3.5 Local government in KZN

The functions and powers of local government are prescribed in chapter 7 of the Constitution, and elaborated on in the Local Government Municipal Structures Act (Act No. 117 of 1998). Municipalities have executive authority in respect of, and the right to administer the local government matters listed in Schedule 4 and Schedule 5 of the Constitution. Municipalities also have authority and rights to any other matter assigned to it by national or provincial legislation.

NEMA requires provincial government to ensure that municipalities adhere to NEMA principles in the preparation of any policy, programme or plan, including the establishment of integrated development plans (IDPs) and land development objectives (LDOs). It is not the purpose of this first edition EIP to give effect to this requirement. However, the integration of the EIP process with the IDP process is well underway in the province. This is reflected in Section 2.3.4 above.

Table 6 provides an overview of the functions of local government in KZN.

The Constitution, Chapter 12, also recognise the role of traditional leadership as an institution at local level. In KZN, the KwaZulu-Ingonyama Trust Act (1994) provides for certain land (the previous self governing territory of KwaZulu) to be held in trust for the Zulu people of this province. The Ingonyama Trust administers trust land and its real rights. The KZN Land Affairs Act (1992) provides for certain rights of tenure to land and for the development, use and subdivision of land.

The KwaZulu aMakosi and Iziphakanyiswa Act (No. 9 of 1990) establishes tribal, community and regional authorities. Their functions are also briefly described in Table 6.

3.6 Other role players in environmental governance

A number of non-governmental organizations (NGOs) and private sector industry bodies have implications for environmental governance, and these reflect the fact that successful cooperative environmental governance should take cognisance of civil society and private sector business activities and associations. This is reflected by the White Paper on Environmental Management Policy (1998), which promotes participation in environmental governance by all sectors of society.

Communication on environmental management issues by both NGOs and sector industry bodies is an important issue to be addressed in later editions of this EIP.

Examples of NGOs active in KZN include Earthlife Africa, Environmental Justice Networking Forum, Greater Edendale Environmental Forum, Zululand Environmental Alliance, Timberwatch, South Durban Environmental Alliance, Richards Bay Clean Air Association, etc.

Examples of private sector with industry bodies in KZN include Sugar, Plantation Forestry, Dryland agriculture, Stock farming, Mining, Chemical and allied industries.

3.7 Conclusion

The governance landscape of KZN consists of departments, agencies and institutions whose activities do not pose equally significant impacts on the environment. The EIP process will consult with all of these role players to better understand their functions, policies, plans and programmes, as well as the processes and mechanisms that influences the environment.

Cooperative environmental governance is the responsibility of all government departments. The Provincial Department of Agriculture and Environmental Affairs carries the mandate from the Premiers Office and works with the Director General of the Department of Environmental Affairs and Tourism and the Auditor-General to promote and monitor environmental governance in KwaZulu-Natal, in line with Section 11 of NEMA.

Table 6: Local government in KwaZulu-Natal

Structure	Functions	Relevant Indicator Themes
One Unicity, 10 District Municipalities 50 Local Municipalities.	<input type="checkbox"/> A municipality has functions and powers as assigned to it in terms of sections 156 and 229 of the Constitution. <input type="checkbox"/> Achieve the integrated, sustainable and equitable social and economic development of its area by — <input type="checkbox"/> ensuring integrated development planning for the district as a whole; <input type="checkbox"/> promoting bulk infrastructural development and services for the district; <input type="checkbox"/> building capacity of local municipalities; <input type="checkbox"/> promote equitable distribution of resources between the local municipalities in its area to ensure appropriate levels of municipal services within the area.	<input type="checkbox"/> Development indicators (i.e. quality of life indicators) to evaluate the outcome of local development initiatives must be integrated with State of Environment and cooperative governance indicators. <input type="checkbox"/> Cities State of the Environment Report.
Tribal and community authorities.	Advise and assist government with regard to the development and improvement of land within their area of jurisdiction.	<input type="checkbox"/> Require clarification.
Regional traditional authorities	Advise and make representations to the Government, and may make rules regarding matters which <i>inter alia</i> include — <input type="checkbox"/> Construction and maintenance of roads, bridges drains, dams, sanitation, water supply, etc. <input type="checkbox"/> Management dipping tanks to prevent stock diseases <input type="checkbox"/> Improvement of farming and agricultural practices <input type="checkbox"/> Afforestation	<input type="checkbox"/> Require clarification.

Local government will be an active player in environmental management in the future. It is therefore a priority to ascertain the impacts of local government activities on the environment. The EIP process will have a strong focus on the elements, relationships and interactions with local government.

SECTION 4: INSTITUTIONAL ARRANGEMENTS

4.1 Introduction

The institutional relationships, with respect to environmental management, between the relevant provincial departments, national departments and their regional offices, and organs of state are briefly explored in this section.

4.2 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.

Based upon elections, appropriate persons are granted seats within the KwaZulu-Natal Provincial Legislature. The Legislature consists of 80 members and sits at two centres, Ulundi and Pietermaritzburg.

The functions of the KwaZulu-Natal Legislature are divided among elected officers, who are Members of Parliament, and the permanent officers and their staff who are employed for the House. From the legislature the Premier and an Executive Council are chosen. Activities of the provincial departments are ultimately coordinated through the Provincial Cabinet and the Cabinet sub-committees established to facilitate its work. The Provincial Government is divided into various departments related to its functions.

Portfolio and Standing Committees oversee Government Departments, scrutinize and make recommendations on draft legislation, initiate legislation and hear evidence. Meetings of committees are generally open to the public who may make submissions on proposed legislation or policy matters.

4.3 Coordination mechanisms within Provincial Government

Formal coordination between provincial departments on all matters on environmental matters is limited through the structures as indicated in Table 7. More details are included in the tables in Section 5.

4.4 Coordination mechanisms with national government departments

Coordination with DEAT and other provincial environmental agencies occurs through the following mechanisms:

- ☐ MinMEC: Environment and Nature Conservation: Minister and Provincial MEC's Meeting, to provide political direction in respect of environmental management.
- ☐ MinTech: Environment and Nature Conservation: Technical committee in support of MinMEC, to advise on matters of environmental management and alignment between National and Provincial authorities. Three working groups in support:
 - o MinTech Working Group: Conservation and Biodiversity.
 - o MinTech Working Group: Environmental Impact Management and Pollution and Waste.
 - o MinTech Working Group: Sustainable Development/Agenda 21 and Capacity Building.
- ☐ CEC – Committee for Environmental Coordination: To ensure coordination of environmental matters between identified National Departments and Provincial environmental authorities. Two sub-committees in support:
 - o CEC sub-committee: Environmental Law Reform.
 - o CEC sub-committee: Environmental Implementation/Management Plans.
- ☐ National Committee on Climate Change [NCCC]: To oversee the implementation of the Framework convention on climate change and deliberate mandates for the Conferences of Parties and inter-session meetings. Relevant national and provincial departments are represented on this Committee.
- ☐ National Steering Committee of the United Nations Convention to Combat Desertification: To attend to matters relating to the National Action Programme in terms of the Convention to Combat Desertification. The DAEA participates in the Committee.

4.5 Coordination mechanisms with local government

Coordination with Local Authorities is sector or issues based. Important structures for coordination with local authorities include the following:

- ☐ Pietermaritzburg Environmental Forum: Coordinated by the Msunduzi Local Council, to promote sustainable development in Pietermaritzburg.
- ☐ Pietermaritzburg LA21 Working Group: Coordinated by the Msunduzi Local Council, to implement and promote LA 21 in Pietermaritzburg area.

- **South Durban Industrial Basin Inter-governmental Coordinating Committee:** Convened by eThekweni Municipality to promote improved air quality in the South Durban Industrial Basin through the implementation of the Moosa Multi-point plan.

4.6 Environmental Impact Management Coordination

The DAEA is the responsible authority for environmental impact authorizations within KwaZulu-Natal. Coordination around EIA applications is considered critical and this is obtained by providing relevant authorities the opportunity to comment on applications that affect their mandates.

4.7 Other Cooperative Governance mechanisms

It is recommended that all existing provincial structures, which draw provincial organs of state together, be explored to investigate their potential to facilitate environmental coordination.

Table 7: Provincial institutional arrangements, with respect to the environment.

Institutional arrangement	Objective	Comments/Recommendations
Coastal Working Group	Coordinate and promote discussion in respect to integrated coastal management; chaired by DAEA.	The Coastal Working Group must be re-established as the KZN Provincial Coastal Committee and new Terms of Reference must be developed.
DWAF Provincial Liaison Committee	Coordinate water development projects and waste disposal; chaired by DWAF.	Environmental issues are being integrated in the Committee's proceedings through DAEA representation. The Terms of Reference of the Committee must be reviewed.
DWAF SFRA LAAC	Coordination and assessment of water use licensing; chaired by DWAF.	Decision-making is very well integrated in this Committee. The DAEA is represented on the Committee. The Terms of Reference and working arrangements of the Committee must be reviewed.
Greater St Lucia Wetland Park (GSLWP) Authorities Coordinating Forum	Facilitate, coordinate and expedite the authorisation processes for development in the GSLWP; to facilitate cooperative governance and align programmes and initiatives; chaired by DT and LGA.	This Forum provides a good basis for coordination and cooperation, and all authorities are encouraged to participate.
Hazardous Materials Forum	Facilitated by Department of Transport to coordinate local municipalities and other authorities along main routes on matters pertaining to the transport of hazmat and emergency response.	None
Medical Waste Forum	Develop provincial government's position on medical waste disposal, chaired by DAEA.	None
North Coast, South Coast and Northern KZN Mining Forum	Coordinate and facilitate discussions around mining management matters; chaired by DME.	The Terms of Reference of the Committee must be reviewed. There is a need for DME Head Office personnel to be represented on the forum to take cognisance of regional issues.
Provincial Growth & Development Strategy Task Team	Coordinate the development and implementation of the PGDS through work groups.	Representation of Environmental Component in the PGDS process must be enhanced. The DAEA must be represented on the Task Team/workgroups.
Provincial IDP Forum	Convened by DT&LGA to coordinate and align all IDPs.	The DAEA must be represented on the Forum.
Provincial LA 21 Steering Committee	Coordinated by the DT&LGA as an interdepartmental forum to promote the integration of LA 21 into provincial planning.	None
Service Providers Forum	Coordination of service provision to municipalities, facilitated by Department of Transport.	DAEA must attend all Forum meetings.

SECTION 5: REVIEW OF PROVINCIAL FUNCTIONS AND ACTIVITIES

5.1 Introduction

National, provincial and local government departments, organs of state and other role players must cooperate interdependently to respond to the environmental issues and pressures facing the province. The socio-economic needs of the province, as embodied in the PGDS, and the provincial priorities, provide government with a pro-active approach to address environmental issues and manage impacts before they occur. In this section the environmental governance exercised by the provincial departments and other role players are examined in the light of the development imperative.

5.2 Provincial Growth and Development Strategy

The KwaZulu-Natal Provincial Growth and Development Strategy (PGDS) of 1996 provides a framework for the province's activities. The PGDS is administered from the Office of the Premier and provides the broad framework from which the policies, programmes and plans of the various provincial departments take direction. Alongside this PGDS are the revised provincial priorities agreed upon by the Premier and provincial Cabinet in October 2001. Because of the centrality of these two policy frameworks they have been used as the 'lens' through which this First Edition EIP has been focused.

The strategy document is intended to lead to "the social and economic upliftment of KwaZulu-Natal's population" (PGDS, 1996: s1.1). As such

it concentrates on issues of economic development almost exclusively. The strategy predates the National Environmental Management Act No. 107 of 1998 by two years and so does not refer to either environmental concerns or to the principles of sustainable development as they are outlined in the NEMA (1998). However, in its approach the PGDS states that "the strategy will be informed by, and inform the development of national policies, and will be implemented within the national and provincial environmental policies" (PGDS, 1996: s1.5.1 5)).

The strategy is currently undergoing revision and updating. The analysis in the following section is based on the document published on 6 August 1996 (as approved by the KwaZulu-Natal Provincial Cabinet per Resolution No. 236 of 3 July 1996) and the Draft Progress Report June 1999.

The PGDS process creates an ideal platform for coordination of various provincial departments with respect to its programmes. The EIP process must inform the PGDS review process of the need to integrate and coordinate environmental management functions of the various provincial departments. It is therefore recommended that the DAEA be actively involved in the revision process of the strategy.

5.3 Priority functions and programmes of KZN (PGDS)

The PGDS, as currently formulated, consists of 7 programmes as detailed below.

- ☐ Programme 1: Building the winning province
- ☐ Programme 2: Enabling "Local Economic Development"
- ☐ Programme 3: Fuelling "the Powerhouse"
- ☐ Programme 4: Addressing the Needs of the Poor
- ☐ Programme 5: Preparing the People through the Development and Utilisations of Human Resources
- ☐ Programme 6: The Formulation of an Appropriate Spatial Framework
- ☐ Programme 7: The Development of Institutions and Implementation Capacity.

For each of these programmes the contemporary context was described together with a description of the key uncertainties at the time.

It should be noted that certain departments have been realigned since this report as shown in the following table, Table 8, but the functions referred to are still valid.

Table 8: Re-alignment of functions within Departments since the PGDS was drawn up

Function	Previous department	Current department
Local Government	Local Government and Housing	Traditional and Local Government Affairs
Housing	Local Government and Housing	Housing
Traditional Affairs	Traditional Affairs and Environment	Traditional and Local Government Affairs
Environment	Traditional Affairs and Environment	Agriculture and Environmental Affairs
Economic Affairs	Economic Affairs and Tourism	Economic Development and Tourism
Tourism	Economic Affairs and Tourism	Economic Development and Tourism

The key implementing Departments and the strategic elements of each of these programmes are shown in Table 9.

Table 9: PGDS programmes and their key implementing departments

Programme	Key implementing departments	Strategic elements
Programme 1: Building the winning province	Economic Affairs and Tourism (Facilitating Department) Transport Local Government and Housing Public Enterprises	Development of Transport Infrastructure Facilitation of Trade and Commerce Travel and Tourism SMME Support Jobs Through Projects
Programme 2: Enabling "Local Economic Development"	Local Government and Housing (Facilitating Department) Economic Affairs and Tourism (Facilitating Department) Programme for Good Governance Works Local and Regional Authorities	Provincial Framework for Local Economic Development Provision of Lower Order Facilities and Basic Services Identifying Local Economic Opportunities Establishment of a Provincial and Local Data-base and Information System Capacity Building in Local Governance SMME Development Agreement on the Local Strategy Pilot Projects Delivery of Value Added Services Programme of Services Delivery
Programme 3: Fuelling "the Powerhouse"	Local Government and Housing (Facilitating Department) Economic Affairs and Tourism (Facilitating Department) Traditional and Environmental Affairs	Provincial Industrial Strategy Food and Beverages as a Leading Sector Petro-Chemicals and Plastics as Leading Sector Paper and Pulp as a Leading Sector Clothing as an Employment Intensive Sector Textiles as an Employment Intensive Sector Motor Vehicles and Part as an Employment Intensive Sector A Provincial Housing Strategy Support Institutional Reform in the Housing Sector Continue to Augment Bulk Infrastructure Networks

Programme	Key implementing departments	Strategic elements
Programme 4: Addressing the Needs of the Poor	Environmental and Traditional Affairs (Facilitating Department) Local Government and Housing (Facilitating Department) Economic Affairs and Tourism Health Transport Welfare Agriculture	Asset Transfer Promoting Non-Farm Activities Small Farmer Assistance Rural Service Centres Restructuring Health Systems Audit of Existing Health Services Capacity Restructuring Welfare Support Strategies to Establish Safety Nets
Programme 5: Preparing the People through the Development and Utilization of Human Resources	Economic Affairs and Tourism (Facilitating Department) Development Planning Management Committee Education	To be developed by the PGDS Task Group
Programme 6: The Formulation of an Appropriate Spatial Framework	Local Government and Housing (Facilitating Department) Economic Affairs and Tourism Traditional and Environmental Affairs	Development Corridors Development of Towns Developing a Spatial Framework for the Provision of Public Services Regional Plans The Planning Framework
Programme 7: The Development of Institutions and Implementation Capacity	Director General (Facilitator) Local Government and Housing Premier	Sectoral Coordination Programming Considerations Spatial Programming Potentials Need for Local Interface and Levels of Community Participation Pilots and Partnerships

5.4 Provincial priorities (Revised)

The provincial Cabinet has determined provincial priorities as shown in Table 10 below.

Table 10: Key priorities for KwaZulu-Natal (October 2001)

Key provincial priority	Key focus area	Responsible department
Eradication of Poverty and Inequality	Agriculture Integrated Pollution and Waste Management Water Supply and infrastructure Housing District Health Poverty Eradication and Community Empowerment	Agriculture and Environmental Affairs Agriculture and Environmental Affairs Traditional and Local Government Affairs Housing Health Traditional and Local Government Affairs Agriculture and Environmental Affairs Economic Development and Tourism Health Agriculture and Environmental Affairs
Managing Impact of HIV/AIDS	Health	
Re-engineer and Enhance Integrated Service Delivery in Government	Batho Pele	All Provincial Departments
Investing in Infrastructure	Tourism Infrastructure Development	Economic Development and Tourism Economic Development and Tourism Transport
Strengthening of Governance Human Capability Development	Planning (Integrated Environmental Management)	Agriculture and Environmental Affairs Traditional and Local Government Affairs All Provincial Departments

5.5 Priorities for cooperative environmental governance in KZN

In considering the above programmes, provincial priorities and their strategic elements, provincial departments for inclusion in the first edition EIP were selected on the basis of their expected environmental impact. Table 11 is a synthesis of the previous two tables and shows the departments with a focus on Integrated Environmental Management in the first band and departments with responsibility for infrastructure development in the second band. The third band shows the departments with responsibility for health.

The departments falling within these first three bands were regarded as being priority departments for analysis and inclusion in this EIP because of their immediate and critical impact on environmental issues in the province. These departments are the priority departments for establishing cooperative environmental governance in KwaZulu-Natal. In summary these departments are (in alphabetic order):

- ☐ Agriculture
- ☐ Economic Development and Tourism
- ☐ Environmental Affairs
- ☐ Housing
- ☐ Health
- ☐ Local Government
- ☐ Transport

Table 11: Table showing how provincial departments were prioritised

Band	Key implementing department	PGDS Responsibility	Provincial priorities responsibility
<u>Band 1</u> Departments with IEM responsibility	Agriculture	<input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	<input type="checkbox"/> Eradication of Poverty and Inequality <input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Strengthening of Governance
	Environmental Affairs	<input type="checkbox"/> Programme 3: Fuelling "the Powerhouse" <input type="checkbox"/> Programme 4: Addressing the Needs of the Poor <input type="checkbox"/> Programme 6: The Formulation of an Appropriate Spatial Framework	<input type="checkbox"/> Eradication of Poverty and Inequality <input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Strengthening of Governance
	Local Government	<input type="checkbox"/> Programme 1: Building the winning province <input type="checkbox"/> Programme 2: Enabling "Local Economic Development" <input type="checkbox"/> Programme 3: Fuelling "the Powerhouse" <input type="checkbox"/> Programme 6: The Formulation of an Appropriate Spatial Framework <input type="checkbox"/> Programme 7: The Development of Institutions and Implementation Capacity	<input type="checkbox"/> Eradication of Poverty and Inequality <input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Strengthening of Governance
<u>Band 2</u> Departments with infrastructure development responsibility	Economic Development and Tourism	<input type="checkbox"/> Programme 1: Building the winning province <input type="checkbox"/> Programme 2: Enabling "Local Economic Development" <input type="checkbox"/> Programme 3: Fuelling "the Powerhouse" <input type="checkbox"/> Programme 4: Addressing the Needs of the Poor <input type="checkbox"/> Programme 5: Preparing the People through the Development and Utilization of Human Resources <input type="checkbox"/> Programme 6: The Formulation of an Appropriate Spatial Framework	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Investing in Infrastructure
	Housing	<input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	
	Transport	<input type="checkbox"/> Programme 1: Building the winning province <input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Investing in Infrastructure
<u>Band 3</u> Departments with responsibility for health	Health	<input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	<input type="checkbox"/> Eradication of Poverty and Inequality <input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Managing Impact of HIV/AIDS
Other departments	Education	<input type="checkbox"/> Programme 5: Preparing the People through the Development and Utilization of Human Resources	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government
	Local and Regional Authorities	<input type="checkbox"/> Programme 2: Enabling "Local Economic Development"	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government
	Premier	<input type="checkbox"/> Programme 7: The Development of Institutions and Implementation Capacity	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government
	Public Enterprises	<input type="checkbox"/> Programme 1: Building the winning province	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government
	Traditional Affairs	<input type="checkbox"/> Programme 3: Fuelling "the Powerhouse" <input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	<input type="checkbox"/> Eradication of Poverty and Inequality <input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government <input type="checkbox"/> Strengthening of Governance
	Welfare	<input type="checkbox"/> Programme 4: Addressing the Needs of the Poor	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government
	Works	<input type="checkbox"/> Programme 2: Enabling "Local Economic Development"	<input type="checkbox"/> Re-engineer and Enhance Integrated Service Delivery in Government

In addition to these provincial departments the following selected national departments exercise important environmental functions in the province through regional offices and not through provincial government counterparts:

- ☐ Department of Environmental Affairs and Tourism;
- ☐ Department of Land Affairs;
- ☐ Department of Mineral and Energy Affairs;
- ☐ Department of Trade and Industry; and
- ☐ Department of Water Affairs and Forestry.

The importance of these departments is derived from the provincial priority focus areas, as is shown in the following table.

Table 12: National departments related to provincial priority focus areas

Provincial priority focus areas	National departments with environmental role
<input type="checkbox"/> Integrated Pollution and Waste Management	<input type="checkbox"/> Department of Environmental Affairs and Tourism <input type="checkbox"/> Department of Mineral and Energy Affairs <input type="checkbox"/> Department of Water Affairs and Forestry
<input type="checkbox"/> Planning (Integrated Environmental Management)	<input type="checkbox"/> Department of Environmental Affairs and Tourism <input type="checkbox"/> Department of Trade and Industry
<input type="checkbox"/> Poverty Eradication and Community Empowerment	<input type="checkbox"/> Department of Land Affairs <input type="checkbox"/> Department of Mineral and Energy Affairs <input type="checkbox"/> Department of Trade and Industry
<input type="checkbox"/> Water Supply and Infrastructure	<input type="checkbox"/> Department of Water Affairs and Forestry

Of these departments the Department of Trade and Industry is regarded as having the highest priority for immediate engagement as this department is intimately involved with economic development in KwaZulu-Natal. The impact of economic development in all its manifestations is likely to have significant environmental impact.

The programmes of these departments co-exist with existing arrangements in the province, but are not necessarily integrated.

The departments identified above (provincial and national) have to contend with a number of environmental issues in KwaZulu-Natal. These have not been identified in any formal study and are included here by way of illustration of the endemic environmental problems in KwaZulu-Natal and therefore form the basis for priorities in cooperative governance.

Table 13: Pressing environmental issues in KwaZulu-Natal

Issue	Responsible department
Air quality	<input type="checkbox"/> Agriculture and Environmental Affairs <input type="checkbox"/> Regional and local authorities
Biodiversity	<input type="checkbox"/> Agriculture and Environmental Affairs
Land care, e.g. afforestation and soil erosion	<input type="checkbox"/> Agriculture and Environmental Affairs <input type="checkbox"/> Water Affairs and Forestry
Marine resources	<input type="checkbox"/> Agriculture and Environmental Affairs <input type="checkbox"/> Environmental Affairs and Tourism
Sustainable development	<input type="checkbox"/> Trade and Industry <input type="checkbox"/> Traditional and Local Government Affairs <input type="checkbox"/> Agriculture and Environmental Affairs <input type="checkbox"/> Economic Development and Tourism
Water quality, especially with regard to borne diseases, e.g. cholera	<input type="checkbox"/> Health <input type="checkbox"/> Water Affairs and Forestry
Water resource management	<input type="checkbox"/> Water Affairs and Forestry

In addition to the provincial and national departments listed above, other departments, organs of state, initiatives and projects in KZN exist that have an impact on the environment. These are not discussed here and will be included in later editions of the EIP.

5.6 Analysis of selected priority functions and activities

Provincial functions must be exercised to ensure compliance with the relevant legal provisions, NEMA principles and Norms and Standards, as described in Section 2 of this report. The associated activities of departments (i.e. policies, programmes and plans) must also comply with NEMA principles as well as Norms and Standards.

This section provides the methodology for future provincial compliance by introducing the framework for analysis and indicating how the framework will be applied to all priority functions and activities. The tables focus on specific policies, plans and/or programme areas, it measures current levels of compliance with requirements and standards and provide opportunity to recommend improvements around cooperative environmental governance. The focus areas selected for this Edition EIP was mainly driven by availability of information.

The result is presented in terms of the following information:

- ☐ **Focus area of analysis:** A description of the function/mandate as it is exercised in the province. It may be a specific policy, programme, plan or environmental issue.
- ☐ **Strategic partners:** A description of the partners important for the focus area, that is essential to planning and/or implementation activities.
- ☐ **Class 1 legislative provisions (department):** Legislation of the specific department relating to the focus area being reviewed, with provisions for the management of the environment, is listed. It governs the actions of the specific department.
- ☐ **Other environmental legislative provisions (Strategic Partners):** Acts and policies which give the strategic partner departments powers to issue licenses, permits, authorisations, certificates, notices or directives. It implies that the relevant department must ensure compliance to the listed provisions.

- ☐ **Administrative Competence:** The administrative competence of each item is reflected.
- ☐ **Authorisations/permits:** Legislative provisions that require the issuing of authorisations, permits, licences etc. are identified. All these administrative actions need to ensure environmental considerations are integrated.
- ☐ **The manner in which KZN ensures that its functions are exercised to ensure compliance with legal provisions:** This section reports on the state of compliance to the listed provisions, as well as on arrangements for cooperative environmental governance and environmental management.
- ☐ **Problems and constraints:** The nature and extent of problem areas and constraints in meeting environmental compliance and performance are explored.
- ☐ **Recommendations for cooperative environmental governance and environmental management:** Based on a review of the above, recommendations are offered to improve environmental governance and environmental management.

It is important to note that this EIP aims to provide the framework for future analysis. The information contained in the tables below is therefore preliminary in nature and should not be read as being comprehensive or conclusive. As part of the process of implementing the First Edition EIP, consultation with these and other departments shown in the tables below will be ongoing. It is envisaged that every department takes responsibility for completing their own tables and develop its own standards for environmental performance, guided by NEMA. The DAEA will coordinate the completion of the tables. Progress will be monitored through the annual reporting programme to the Director-General of DEAT.

As described above, particular departments have been selected for analysis in this First Edition EIP. Functions and activities of five key provincial departments are identified, and the implications of departmental core impact areas/activities for cooperative governance are highlighted.

Two national government departments have been analysed to illustrate the approach that DAEA will adopt towards promoting cooperative governance with national functions. For this EIP, the Department of Trade and Industry and the Department of Water Affairs and Forestry have been selected as two examples of national government departments whose activities relate to economic development in the context of the Provincial Growth and Development Strategy.

5.7 Provincial departments

5.7.1 Department of Agriculture and Environmental Affairs

The Department of Agriculture and Environmental Affairs performs a number of functions that relate directly to the environment through policy, planning, impact management, coordination and service delivery.

Agriculture

The agricultural function of DAEA has a key role to play in the province's agricultural development, in terms of promoting agricultural production and improvement of food security. Agricultural activities have to take cognisance of environmental laws and the interests of a wide variety of affected and interested stakeholders. A successful agricultural sector that incorporates good environmental management has positive implications for environmental and human health, and for good government, planning and development.

Table 14: Summary of activities and mandates of DAEA - Agriculture

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS Agriculture

Focus area of analysis		Strategic partners
<input type="checkbox"/> Agricultural development <ul style="list-style-type: none"> Rural agricultural development Farmer support <input type="checkbox"/> Veterinary Services <ul style="list-style-type: none"> Animal health Veterinary public health 		<input type="checkbox"/> National Departments of Agriculture, Environmental Affairs and Tourism, Land Affairs, and Water Affairs and Forestry <ul style="list-style-type: none"> Provincial departments of Health, Works, Traditional and Local Government Affairs Local municipalities and district councils. KZN Wildlife
Class I legislative provisions (DAEA – Agriculture)	Legislative Administrative competence	Authorization/permits
National White Paper on Agriculture	Concurrent	N/A
Animal Health Diseases Act (Act No. 35 of 1984)	Provincial (DAEA)	Section 6: Permit to import certain controlled animals or things
Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No. 36 of 1947)	Provincial (DAEA)	Section 3: Certificate of registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilising plants and pest control operators
Conservation of Agricultural Resources Act (Act No. 43 of 1983)	Concurrent (NDA)	Permit
State Veterinary Policy for KwaZulu-Natal	Provincial	N/A
Other environmental legislative provisions (Strategic Partners)	Administrative competence	Authorization/permits
National Environmental Management Act (Act No. 107 of 1998)	National/Provincial	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (Act No. 73 of 1989)	National/Provincial	Section 22: Authorisation to undertake identified activities
ECA EIA Regulations (1997)	National/Provincial	Regulation 4: Authorisation to undertake identified activities
National Water Act (Act No. 36 of 1998)	National/Provincial	Section 24: Licences for use of water found underground on property of another person Section 40: Licence to use water Section 95: Directives to water user association

Class 1 legislative provisions (DAEA – Agriculture)	Legislative Administrative competence	Authorization/permits
		Section 120: Registration of dam with safety risk Regulation 3 of the Regulations on registration of water use: Registration of water use
KwaZulu-Natal Nature Conservation Management Amendment Act (Act No. 5 of 1999)	Provincial	Section 54: Permit for the export, import, introduction and transport of indigenous animals Section 59: Permit relating to specially protected indigenous plants Section 61: Permit relating to protected indigenous plants Section 66: Permit for the hunting of specially protected and protected indigenous animals Section 67: Permit in respect of restricted hunting methods Section 69: Permit to operate as a professional hunter, a hunting-outfitter or director of a professional hunting school Section 75: Permit for the release of non-indigenous animals or hybrids, or introduction of non-indigenous plants or hybrids
Nature Conservation Ordinance 15 of 1974	Provincial/Parastatal	Section 199: Permit to import protected indigenous plant Section 200: Permit to gather protected indigenous plants
National Forest Act (Act No. 84 of 1998)	National	Section 7 or 23: Licence to disturb or remove or receive any indigenous living tree from a natural forest
Subdivision of Agricultural Land Act (Act No. 70 of 1970)	National (NDA)	Section 3: Letter of approval for certain actions regarding agricultural land
Agricultural Pests Act (Act No. 36 of 1983)	National (NDA)	Section 3: Permit for importation of controlled goods
Plant Improvement Act (Act No. 53 of 1976)	National (NDA)	Section 7: Certificate of Registration
Genetically Modified Organisms Act (Act No. 15 of 1997) (and regulations)	National (NDA)	Regulation 2: Permit to import, export, develop, produce, use, release or distribute genetically modified organisms Regulation 4: Certificate of registration for facilities where organisms are being genetically modified under conditions of contained use
Meat Safety Act (Act No. 40 of 2000)	National (NDA)	Section 8: Certificate of registration for slaughter facility Section 13: Permit to import meat Section 14: Certificate of compliance for meat exportation
Hazardous Substances Act (Act No. 15 of 1973)	National/ Provincial	Section 3A: Authorisation to produce, acquire, dispose and import or export Group IV hazardous substances; Section 4(a): License to supply Group I hazardous substances; Section 4(b): Licence to sell, let, use, operate or apply any Group III hazardous substance; Section 4(c): Licence to install a Group III hazardous substance on premises

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

- ☐ Regional technical workgroups have been established to co-ordinate project planning and implementation of agricultural projects. Integration of legislative provisions into project planning must be promoted and ensured by these workgroups.
- ☐ The development approval process for abattoirs is aligned with the EIA Regulations.
- ☐ The development of the Abattoir Regulatory Co-ordination Task Team and a Pre-application screening checklist for the application for abattoirs, has improved cooperation between Veterinary Health, Traditional and Local Government Affairs and DAEA.
- ☐ Pre-application screening checklist for applications to break virgin soils, has been developed.
- ☐ Alignment of the CARA application process and the EIA process is being developed, although no formal arrangements exist.
- ☐ The development of a screening checklist for the application of abattoirs has improved cooperation between Veterinary Health, Traditional and Local Government and DAEA.

Problems and constraints in achieving compliance

- ☐ Lack of farmer and authority awareness of environmental obligations for agricultural development projects.

- ☐ Lack of policy and clear guidelines for the use of sensitive veld types, e.g. Acocks 45 in prime agricultural areas has the potential to cause authority conflict.
- ☐ Limited intradepartmental coordination between provincial agricultural and environmental component with respect to awareness programmes.

Recommendations for cooperative environmental governance and environmental management

- ☐ Formal arrangements for the aligning of the CARA application process and the EIA application process must be established through development of a protocol.
- ☐ Regional technical working groups should include environmental representatives.
- ☐ Procedures and mechanisms must be developed to address agricultural development in sensitive environments.
- ☐ Protocols and guidelines for Abattoir and Agricultural development applications to be addressed.
- ☐ Intradepartmental coordinating mechanisms must be explored.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<ul style="list-style-type: none"> <input type="checkbox"/> Agricultural Extension Officers are providing formal and informal training to farmers regarding sustainable farming practices and increased food production. An environmental component must be included in training material. <input type="checkbox"/> Perma-culture and community food gardens are promoted, but compliance to the EIA Regulations is not promoted or achieved. <input type="checkbox"/> Extension officers and the engineering section address improvement of water efficiency to a very limited extent. <input type="checkbox"/> EIA's must be compiled for all new projects, however only a few applications have been received so far. <input type="checkbox"/> De-bushing permits are required for new lands although not enforced adequately. <input type="checkbox"/> Implementation of national Land Care Programme will improve sustainability of agricultural land.
Integration of Environmental Considerations into Decision Making	<ul style="list-style-type: none"> <input type="checkbox"/> Applications for subdivision of agricultural land are circulated to relevant departments for comment. <input type="checkbox"/> Availability of water is taken into consideration during planning of new irrigation schemes. <input type="checkbox"/> Soil conservation receiving priority attention in planning and rehabilitation projects. <input type="checkbox"/> Strategies for implementation of agricultural functions to be expanded to include more emphasis on environmental considerations.
Participation, Empowerment and Transparency	<ul style="list-style-type: none"> <input type="checkbox"/> Community participation empowerment of farmers is central in most programmes. Agricultural extension officers employed at community level throughout the province. Land Care Programme is also committed to this principle. Community food gardens are developed with communities (especially women) and handed to them for operation.
Environmental Justice and Equity	<ul style="list-style-type: none"> <input type="checkbox"/> All new projects are targeted at previously disadvantaged farmers which includes the settlement of farmers in the land reform project.
Ecological Integrity	<ul style="list-style-type: none"> <input type="checkbox"/> Because of limited EIA's being conducted this principle is not adequately addressed. An EIA awareness campaign will address this concern. Control and eradication of alien plant species according to the Regulations of 2000 in terms of the Conservation of Agricultural Resources Act are being enforced. <input type="checkbox"/> De-bushing for new lands and restrictions on riparian de-bushing are not always strictly enforced. <input type="checkbox"/> Ecological aspects relating to soil and water conservation are addressed to some degree in farm planning and agricultural development. Little to no consideration of biodiversity aspects.
Cooperative Governance	<ul style="list-style-type: none"> <input type="checkbox"/> Limited cooperation with CD: Environment. <input type="checkbox"/> Better cooperation with DWAF. <input type="checkbox"/> Because of the importance of Agriculture in this province, present institutional arrangements should be expanded to include all relevant departments to improve agriculture production and ensure food security.

Table 15: Summary of activities and mandates of DAEA - Environmental Management

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS Environmental Management

Focus areas for analysis	Strategic partners
<p>The following key focus areas of this Department, are relevant to this edition of the Environmental Implementation Plan:</p> <p>Integrated Environmental Management Pollution and Waste Management Integrated Coastal Management</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <u>National Departments</u> of Environmental Affairs and Tourism, Water Affairs and Forestry, Land Affairs, Public Works, Trade and Industry, Minerals and Energy <input type="checkbox"/> <u>Provincial Departments</u> of the Premier, Traditional and Local Government Affairs, Health, Education, Transport, Economic Development and Tourism, Works, Housing. <input type="checkbox"/> Municipalities and Tribal authorities <input type="checkbox"/> KZN Wildlife <input type="checkbox"/> Amafa aKwaZulu-Natali <input type="checkbox"/> KZN Tourism Authority

Focus areas for analysis		Strategic partners
		<input type="checkbox"/> Oceanographic Research Institute <input type="checkbox"/> CSIR <input type="checkbox"/> Natal Sharks Board <input type="checkbox"/> Relevant NGO's and CBO's <input type="checkbox"/> Town and Regional Planning Commission <input type="checkbox"/> National Ports Authority
Class 1 legislative provisions (DAEA – Environmental Affairs)	Administrative competence	Authorization/permits
National Environmental Management Act (Act No. 107 of 1998)	National/Provincial	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (Act No. 73 of 1989)	National/Provincial	Section 22: Authorisation to undertake identified activities Section 23: Authorisation to develop in a limited development area
ECA EIA Regulations (1997)	National/Provincial	Regulation 4: Authorisation to undertake identified activities
Sea shore Act (Act No. 21 of 1935)	Provincial	Section 3: Permit for the letting of sea-shores and the seaPermit
Mountain Catchment Areas Act (Act No. 63 of 1970)	Provincial	Section 3: Directions with reference to land
National Environmental Management Act (Act No. 107 of 1998) — Regulations for the control of vehicles in the coastal zone	National/Provincial	Regulation 6: Permit to use vehicles in the coastal zone Regulation 7: Licence for boat launching sites
Environment Conservation Act – Sensitive Coastal Area Regulations	National/Provincial	Permit of Municipalities to undertake certain activities
White Paper on Environmental Management Policy (1998)	National/Provincial	N/A
White Paper on Sustainable Coastal Development in South Africa (2000)	National/Provincial	N/A
White Paper on the Conservation and sustainable use of SA biological diversity	National/Provincial	N/A
White Paper on Integrated Pollution & Waste Management for South Africa (2000)	National/Provincial	N/A
National Waste Management Strategy	National/Provincial	N/A
KwaZulu Nature Conservation Act (Act No. 29 of 1992)	Provincial	Section 147: Permit for the establishment, provision or operation of a disposal site
KwaZulu-Natal Conservation Management Act (Act No. 9 of 1997)	Provincial	Section 54: Permit for the export, import, introduction and transport of indigenous animals
		Section 59: Permit relating to specially protected indigenous plants
		Section 61: Permit relating to protected indigenous plants
		Section 66: Permit for the unting of specially protected and protected indigenous animals
		Section 67: Permit in respect of restricted hunting methods
		Section 69: Permit to operate as a professional hunter, a hunting-outfitter or director of a professional hunting school
		Section 75: Permit for the release of non-indigenous animals or hybrids, or introduction of non-indigenous plants or hybrids
Nature Conservation Ordinance No. 15 of 1974	Provincial/Parastatal	Section 33: Licences and permits relating to hunting
		Section 34: Ordinary and special game licences and ordinary game permits
		Section 35: Protected game licences and permits
		Section 80: Permit to keep indigenous or exotic mammals in captivity
		Section 83: Certificate of registration to establish, conduct and maintain a zoo
		Section 104: Import and Export permits
		Section 117: Permit to kill or capture wild birds
		Section 119: Registration of aviaries

Class 1 legislative provisions (DAEA – Environmental Affairs)	Administrative competence	Authorization/permits
		Section 145: Licence to catch fish
		Section 195: Permit to sell protected indigenous plants
		Section 196: Licence to sell specially protected indigenous plants
		Section 201: Special permit to gather specially protected indigenous plants
		Section 201A: Permit for the relocation of specially protected indigenous plants
International Conventions, Protocols and Mandates	National/Provincial	N/A
Other environmental legislative provisions (Strategic Partners)	Administrative competence	Authorization/permits
Environment Conservation Act (Act No. 73 of 1989)	National/Provincial (DWA)	Section 20 and Regulations relating to waste disposal sites: Permit to establish, provide or operate a disposal site
Atmospheric Pollution Prevention Act (Act No. 45 of 1965)	National (to be delegated to province)	Section 9: Registration certificate/provisional registration certificate
Development Facilitation Act (Act No. 67 of 1995)	National	
National Water Act (Act No. 36 of 1998)	National/Provincial	Section 24: Licences for use of water found underground on property of another person Section 40: Licence to use water Section 95: Directives to water user association Section 120: Registration of dam with safety risk Regulation 3 of the Regulations on registration of water use: Registration of water use
Conservation of Agricultural Resources Act (Act No. 43 of 1983)	National	Permit
Atmospheric Pollution Prevention Act (Act No. 45 of 1965)	National (to be delegated to province)	Section 9: Registration certificate/provisional registration certificate
Minerals Act (Act No. 50 of 1991)	National (DME)	Section 5: Permit to prospect and to mine Section 7: Authorisation to prospect on certain land Section 8: Authorisation for the removal and disposal of minerals found during prospecting operations Section 41: Directives for restriction in relation to use of surface of land
Hazardous Substances Act (Act No. 15 of 1973)	National/Provincial	Section 3A: Authorisation to produce, acquire, dispose and import or export Group IV hazardous substances; Section 4(a): License to supply Group I hazardous substances; Section 4(b): Licence to sell, let, use, operate or apply any Group III hazardous substance; Section 4(c): Licence to install a Group III hazardous substance on premises
Marine Living Resources Act (Act No. 18 of 1998)	National/(Provincial?)	Section 13: Permit for commercial or subsistence fishing, to engage in mariculture or to operate a fish processing establishment Section 23: Local fishing vessel licence
Genetically Modified Organisms Act (Act No. 15 of 1997) (and regulations)	National (NDA)	Regulation 2: Permit to import, export, develop, produce, use, release or distribute genetically modified organisms Regulation 4: Certificate of registration for facilities where organisms are being genetically modified under conditions of contained use
Nuclear Energy Act (Act No. 46 of 1999)	National (DME)	Section 34: Authorisations for acquisition or possession of, and certain activities relating to, nuclear material, restricted material and nuclear-related equipment and material Section 46: Authorisations for discarding of radioactive waste and storage of irradiated nuclear fuel.
Subdivision of Agricultural Land Act 70 of 1970	National (NDA)	Section 3: Letter of approval for certain actions regarding agricultural land
Less Formal Township Establishment Act 113 of 1991	National/Provincial	
KwaZulu-Natal Heritage Act (Act No. 10 of 1997)	Provincial	Section 19: Permit to damage, alter, redecorate, or remove a heritage landmark Section 20: Permit to damage, alter, redecorate, or remove a provincial landmark Section 21: Permit to damage, alter, redecorate, or remove a heritage object

Other environmental legislative provisions (Strategic Partners)	Administrative competence	Authorization/permits
		Section 24: Permit to damage, alter, redecorate, or remove a provisionally protected heritage resource Section 27: Notification of impact assessment required where development may affect a heritage resource
KwaZulu-Natal Planning and Development Act (Act No. 5 of 1998)	Provincial	
KwaZulu Land Affairs Act (Act No. 11 of 1992)	Provincial	
Natal Town Planning Ordinance No. 27 of 1949	Provincial	

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

- ☐ NEMA principles and Coastal Management Principles are promoted, through the application of the ECA EIA Regulations.
- ☐ The establishment of norms, standards and impact assessment criteria to ensure constant, efficient and effective decision making.
- ☐ Establishment of the Environmental Database and Decision Support System [EDDSS] to improve service delivery, promote access to information, improve decision-making and to provide a basis for the development of provincial norms and standards.
- ☐ Provincial Coastal Committee and specific sub-committees formed to deal with coastal management issues.
- ☐ Streamlined application procedures and minimum information requirements are being developed for specific types of activities, with specific emphasis on socio-economic upliftment and development.
- ☐ Consultative liaison and advisory conferences, workshops, and working groups established with relevant role players.
- ☐ Investigations implemented to align the DWAF and DEAE DAEA application procedure, for afforestation.
- ☐ Establishment of a dedicated Air Pollution component within Pollution and Waste management, to implement the Atmospheric Pollution Prevention Act.
- ☐ Expansion of Environmental Services at a regional level, including regionally based assessment and compliance staff.
- ☐ Establishment of a compliance component to promote adherence to conditions of approval, audit EMPS's and EMS's, and institute legal action if required. This component has not been available in the Province before.
- ☐ Capacity building, information distribution and environmental awareness promoted through a dedicated Advisory Services component.
- ☐ Transparency and information sharing promoted through the production of Ulwandle (Provincial coastal Committee Newsletter).

Problems and constraints in achieving compliance

- ☐ Capacity has been strengthened but staff not yet fully operational.
- ☐ Insufficient environmental management coordinating structures in the province.
- ☐ Budget constraints.

Recommendations for cooperative environmental governance and environmental management

- ☐ Bringing the EDDSS on line, and promote access to information.
- ☐ Streamlining of procedures in respect of integrated coastal management.
- ☐ Development of Protocols for the streamlining of activities listed as having a significant detrimental impact on the environment, including the development of MoU's with relevant stakeholders.
- ☐ Preparation of user friendly guidelines for implementation of Coastal management principles.
- ☐ Expansion of the Strategic Planning and Coastal management components to ensure compliance with legislative requirements and to promote cooperative governance.
- ☐ Provincial roles and responsibilities relating to the Conservation and Sustainable Development of Mountain Areas need to be clarified.

Table 16: Summary of activities and mandates of DAEA - Ezemvelo KZN Wildlife

DEPARTMENT OF AGRICULTURE & ENVIRONMENTAL AFFAIRS

Ezemvelo KZN Wildlife

Focus areas for analysis	Partners
The following key focus areas of this parastatal, are relevant to this edition of the Environmental Implementation Plan: Marine and Coastal Management	<u>National Departments</u> Environmental Affairs and Tourism Water Affairs and Forestry Land Affairs Public Works <u>Provincial Government</u> Agriculture and Environmental Affairs Traditional and Local Government Affairs Economic Development and Tourism Works <u>Local Government</u> Municipalities and District councils Durban Metro <u>Parastatals/other</u> KZN Tourism Authority GSLWP World Heritage Park Authority Oceanographic Research Institute CSIR Natal Sharks Board Relevant NGO's Town and Regional Planning Commission National Ports Authority Angling Associations

Class 1 legislative provisions (KZN Wildlife)	Administrative competence	Authorization/permits
KZN Nature Conservation Management Act (Act No. 9 of 1997)	Provincial	Permits
Marine Living Resources Act (Act No. 18 of 1998)	National/Provincial	Permits/License
White Paper on Sustainable Coastal Development in South Africa (2000)	National/Provincial	N/A
White Paper on the Conservation and sustainable use of SA biological diversity	National/Provincial	N/A
International Conventions, Protocols and Mandates	National/Provincial	N/A

Other environmental legislative provisions (Strategic Partners)

National Environmental Management Act (Act No. 107 of 1998)

Environment Conservation Act (Act No. 73 of 1989)

ECA EIA Regulations (1997)

National Water Act (Act No. 36 of 1998)

KwaZulu-Natal Heritage Act (Act No. 10 of 1997)

Sea shore Act (Act No. 21 of 1935)

Marine Living Resources Act 18 of 1998

Manner in which KZN ensures that its functions are exercised to ensure compliance with primary legislative provisions

- ☐ Key KZN Wildlife officials serve on the Consultative Advisory Forum, a national institution established under the Marine Living Resources Act. This forum serves to advise on all matters relating to the management of marine living resources.
- ☐ KZN Wildlife scientist serve on the national Marine and Coastal Management Biodiversity Working Group, which aims to provide for strategic planning for biodiversity conservation.
- ☐ A KZN Subsistence Fisheries Implementation Management Committee has been formed to co-ordinate this process.
- ☐ Local management structures in each subsistence fishing community have been established, with both local communities and KZN Wildlife in the decision-making process.
- ☐ Approximately 15 local co-management structures have been established, which include substantial capacity building and empowerment.
- ☐ Implementation of poverty alleviation projects within local coastal communities.
- ☐ Active awareness and training programme called Fishcare.
- ☐ Establishment of a metadata base of KZN marine long term monitoring programmes.

Recommendations for cooperative environmental governance and environmental management

- ☐ Establishment of a clear mandate determination between the functions of the Coastal Management Unit of the DAEA and the coastal/marine functions of KZN Wildlife.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to National Environmental Management Act No. 107 of 1998 principles
Sustainable Development	<input type="checkbox"/> The development of good environmental data sets is providing input into the promotion of sustainable coastal development.
Integration of Environmental Considerations into Decision Making	<input type="checkbox"/> With KZN Wildlife forming a co-management approach to the utilization of coastal living resources, environmental considerations are incorporated at a grass roots level into decision-making. <input type="checkbox"/> The establishment of a metadata base of KZN marine long term monitoring programmes and the KZN coast GIS mapping programme provide important environmental data sources for decision-making.
Participation, Empowerment and Transparency	<input type="checkbox"/> The establishment of co-management structures and the empowerment of local communities promotes NEMA principles. <input type="checkbox"/> Principles of participation and transparency are incorporated into policies for the creation of awareness.
Environmental Justice and Equity	<input type="checkbox"/> Co-management approach to the control of the use of marine living resources, promotes equitable resource utilization and environmental justice.
Ecological Integrity	<input type="checkbox"/> Endemic, rare or endangered coastal species and ecosystems have been identified, and in some areas community co-management of sensitive and vulnerable eco-systems has been developed. <input type="checkbox"/> Integrated Development Management Plan for the GSLWP have been established to ensure the protection of ecological integrity.
Cooperative Governance	<input type="checkbox"/> Serving on National, Provincial and Local management and advisory committees.

5.7.2 Department of Traditional and Local Government Affairs (DTL GA)

The Department of Traditional and Local Government Affairs will be instrumental to the implementation of this EIP. The Chief Directorate: Development Planning is supporting the Integrated Development Planning process in the province, and this process is key to integrating environmental issues in municipality-level plans, projects and programmes. Planning activities impact significantly on the effectiveness of health service delivery, quality of life and the quality of environmental goods and services.

Table 17: Summary of activities and mandates of Department of Traditional and Local Government Affairs – Development Planning

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

Development Planning

Focus area of analysis		Strategic partners	
The following key activities are relevant, as shown in the 2002/2003 operational plan: <input type="checkbox"/> Integrated development planning for KZN <input type="checkbox"/> Transform planning processes <input type="checkbox"/> Support IDP Municipal process <input type="checkbox"/> Establish Provincial and Municipal spatial framework for development <input type="checkbox"/> Facilitate preparation of spatial framework <input type="checkbox"/> Facilitate implementation of municipal land use management system <input type="checkbox"/> Orderly development <input type="checkbox"/> Process development applications <input type="checkbox"/> Ensure statutory compliance in development <input type="checkbox"/> Informed development decision-making <input type="checkbox"/> Provincial development information service <input type="checkbox"/> Municipal development information capacity		National <input type="checkbox"/> Department of Provincial and Local Government <input type="checkbox"/> Department of Land Affairs <input type="checkbox"/> Department of Environmental Affairs and Tourism KZN Provincial <input type="checkbox"/> In DTLG: Local Government, Traditional Affairs <input type="checkbox"/> Department of Agriculture and Environmental Affairs <input type="checkbox"/> Department of Economic Development and Tourism <input type="checkbox"/> Department of Public Works <input type="checkbox"/> Department of Transport <input type="checkbox"/> Department of Housing <input type="checkbox"/> Department of Health <input type="checkbox"/> KwaZulu-Natal Local Government Association <input type="checkbox"/> Municipalities <input type="checkbox"/> Town and Regional Planning Commission <input type="checkbox"/> Traditional Authorities <input type="checkbox"/> Non-governmental organisations	
Class I legislative provisions (Development Planning)		Administrative competence	Authorization/permits
KwaZulu-Natal Planning and Development Act (Act No. 4 of 1999)	Provincial		N/A
Local Government: Municipal Systems Act (Act No. 32 of 2000)	National		N/A
Local Government: Municipal Structures Act (Act No. 32 of 1998)	National		N/A
Municipal Demarcation Act (Act No. 27 of 1998)	National		N/A
Development Facilitation Act (Act No. 67 of 1995)	National		Permission
KwaZulu-Natal Provincial Growth and Development Strategy	Provincial		N/A
Other environmental legislative provisions (Strategic partners)			
National Environmental Management Act (Act No. 107 of 1998)	National/Provincial (DEAT/DAEA)	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents	
Environment Conservation Act (Act No. 73 of 1989)	National/Provincial (DEAT/DAEA)	Section 22: Authorisation to undertake identified activities Section 23: Authorisation to develop in a limited development area	
ECA EIA Regulations (1997)	National/Provincial (DEAT/DAEA)	Regulation 4: Authorisation to undertake identified activities	
Development Facilitation Act (Act No. 67 of 1995)	National (Department of Land Affairs)		
Less Formal Townships Act (Act No. 113 of 1991)			
National Water Act (Act No. 36 of 1998)	National/Provincial (DWAF)	Section 24: Licences for use of water found underground on property of another person Section 40: Licence to use water Section 95: Directives to water user association Section 120: Registration of dam with safety risk Regulation 3 of the Regulations on registration of water use: Registration of water use	
Conservation of Agricultural Resources Act (Act No. 43 of 1983)	National (Department of Agriculture)	Permit	
KwaZulu-Natal Heritage Act (Act No. 10 of 1997)	Provincial (Amafa aKwaZulu Natali)	Section 19: Permit to damage, alter, redecorate, or remove a heritage landmark Section 20: Permit to damage, alter, redecorate, or remove a provincial landmark Section 21: Permit to damage, alter, redecorate, or remove a heritage object Section 24: Permit to damage, alter, redecorate, or remove a provisionally protected heritage resource Section 27: Notification of impact assess-	

	ment required where development may affect a heritage resource
KwaZulu-Natal Land Affairs Act (Act No. 11 of 1992)	
Natal Town Planning Ordinance No. 27 of 1949	
Coastal legislation, policies etc (where applicable)	

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

Existing arrangements contributing to cooperative environmental governance and environmental management:

- ☐ Collaboration with Provincial Growth and Development Strategy task team: information service.
- ☐ Convene Provincial GIS forum for integrated infrastructural planning.
- ☐ Reporting: coordinating to KZN Provincial Performance Report on Sustainable Development.
- ☐ Participation, consultation and transparency central to Development administration process.
- ☐ Environmental considerations included in DFA approvals.

Recommendations for cooperative environmental governance and environmental management

- ☐ Integration of the EIP process into the provincial IDP process will entrench integrated environmental management into development planning.
- ☐ Mechanisms for the alignment of the Development administration processes and the EIA process need to be identified.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<input type="checkbox"/> The Development Planning Management System will operate by March 2003 <input type="checkbox"/> Quarterly assessment of spatial policies, legislation and practices <input type="checkbox"/> 61 IDP processes to be implemented by March 2003
Integration of Environmental Considerations into Decision Making	<input type="checkbox"/> All municipalities are to have access to the Land use Management System <input type="checkbox"/> Municipality capacity building strategy
Participation, Empowerment and Transparency	<input type="checkbox"/> All municipalities are to have access to the Land use Management System <input type="checkbox"/> Municipality capacity building strategy <input type="checkbox"/> Quarterly monitoring of municipalities <input type="checkbox"/> Provincial and municipal development information services and support
Environmental Justice and Equity	<input type="checkbox"/> All municipalities are to have access to the Land use Management System
Ecological Integrity	<input type="checkbox"/> Ensure statutory compliance in development initiatives
Cooperative Governance	<input type="checkbox"/> Ongoing participation in development and planning forums

5.7.3 Department of Health

The Department of Health is the agency responsible for a number of issues that are provincial and national priorities. The quality of environmental health in the province, including management of disease, pollution and waste, is a significant focus of the department. Health is a key stakeholder in successful integrated environmental management and cooperative governance, as it is directly affected by planning issues, food security, quality of life and settlements, and effectiveness of government service delivery.

Table 18: Summary of selected activities and mandates of Department of Health

DEPARTMENT OF HEALTH

Focus area of analysis	Strategic partners	
<input type="checkbox"/> Environmental health <input type="checkbox"/> Cholera control <input type="checkbox"/> Malaria control <input type="checkbox"/> Medical waste management <input type="checkbox"/> Port Health Services <input type="checkbox"/> Managing Impact of HIV/AIDS	The following departments and organisations will be important partners in addressing the focus areas: <input type="checkbox"/> National departments of Environmental Affairs and Tourism, Transport, Water Affairs and Forestry. <input type="checkbox"/> Provincial departments of Agriculture and Environmental Affairs, Economic Affairs and Tourism <input type="checkbox"/> Portnet <input type="checkbox"/> KZN Wildlife	
Class 1 legislative provisions (Health)	Administrative competence	Authorization/permits
Hazardous Substances Act, (Act No. 15 of 1973)	National/ Provincial (Department of Health)	Section 3A: Authorisation to produce, acquire, dispose and import or export Group IV hazardous substances; Section 4(a): License to supply Group I hazardous substances; Section 4(b): Licence to sell, let, use, operate or apply any Group III hazardous substance; Section 4(c): Licence to install a Group III hazardous substance on premises
Health Act (Act No. 63 of 1977)	National/Provincial/Local	Section 27: Notice to remedy condition causing nuisance or danger to health

Other environmental legislative provisions (Strategic partners)

National Environmental Management Act, (Act No. 107 of 1998)	National/Provincial (DEAT/DAEA)	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Genetically Modified Organisms Act, (Act No. 15 of 1997)	National (NDA)	Regulation 2: Permit to import, export, develop, produce, use, release or distribute genetically modified organisms Regulation 4: Certificate of registration for facilities where organisms are being genetically modified under conditions of contained use
Environment Conservation Act, (Act No. 73 of 1989)	National/Provincial (DEAT/DAEA)	Section 22: Authorisation to undertake identified activities Section 23: Authorisation to develop in a limited development area
Human Tissues Act, (Act No. 65 of 1983)	National (Health)	Section 25: permit to import or export any tissue or any blood, blood product or gamete
Atmospheric Pollution Prevention Act, (Act No. 45 of 1965)	National (DEAT) (to be delegated to province)	Section 9: Registration certificate/ provisional registration certificate to conduct a scheduled process

Manner in which KwaZulu-Natal ensures that its functions are exercised to ensure compliance with legislative provisions**Policies**

- ☐ The KwaZulu-Natal Malaria Control Policy has led to malaria control being integrated into Primary Health Care, which will strengthen links with local government structures.
- ☐ The Food Monitoring Protocol has enhanced collaboration among all role-players in the food safety programme.
- ☐ The Medical Waste Management Strategy will improve medical waste management, raise awareness and advance the Integrated Pollution and Waste Management Strategy.

Partnerships and collaboration

- ☐ Strengthening partnerships between all departments with respect to HIV/AIDS policies, coordinators, and workplace programmes; Malaria control; and Cholera control will enhance coordination and prevent duplication.
- ☐ Strengthening the partnership with the Department of Agriculture and Environmental Affairs with regard to waste management will reduce areas of duplication.

Other mechanisms

- ☐ To be evolved.

Problems and constraints in achieving compliance

- ☐ Lack of clarity with respect to roles and responsibilities in terms of medical waste management.
- ☐ No formal arrangements between Department of Health and DAEA (Environmental Management) to with respect to medical waste management.
- ☐ No formal arrangements between

Recommendations for cooperative environmental governance and environmental management

- ☐ Mechanisms for the strengthening of co-ordination and partnerships between relevant Departments should be promoted.
- ☐ The exchange of information between strategic partners must be facilitated to promote environmental management.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<ul style="list-style-type: none"> <input type="checkbox"/> The programmes to combat HIV/AIDS malaria and cholera are examples of contributions to sustainable development. <input type="checkbox"/> The Department's environmental health policy is a major contribution to sustainable development.
Integration of Environmental Considerations into Decision Making	<ul style="list-style-type: none"> <input type="checkbox"/> Environmental considerations are evident in the Medical waste strategy; <input type="checkbox"/> Careful consideration of appropriate insecticides for malaria control; <input type="checkbox"/> Education programmes around cholera.
Participation, Empowerment and Transparency	<ul style="list-style-type: none"> <input type="checkbox"/> The Environmental Health Directorate runs community based educational events to promote participation and empowerment.
Environmental Justice and Equity	<ul style="list-style-type: none"> <input type="checkbox"/> The provision of malaria and cholera control measures benefits primarily previously disadvantaged communities.
Ecological Integrity	<ul style="list-style-type: none"> <input type="checkbox"/> The effect of malaria control measures on ecological integrity is monitored.
Cooperative Governance	<ul style="list-style-type: none"> <input type="checkbox"/> The Department of Health has good relationships with the partner departments as detailed in the previous table. <input type="checkbox"/> Closer cooperation with the KwaZulu-Natal Department of Agriculture and Environmental Affairs is being forged.

5.7.4 Department of Housing

The Department of Housing delivers a number of services that relate directly to environmental management, development planning, health

and governance for sustainable development. The Department's activities contribute to livelihood security and well-being for the province's inhabitants, and they have to take into account policies and laws for environmental management and planning.

Table 19: Summary of activities and mandates of Department of Housing

DEPARTMENT OF HOUSING

Focus area for analyses		Strategic partners
The following key focus areas of this Department, are relevant to this edition of the Environmental Implementation Plan: <ul style="list-style-type: none"> <input type="checkbox"/> Investing in infrastructure development. <input type="checkbox"/> Housing delivery. <input type="checkbox"/> Housing programme for HIV/AIDS victims <input type="checkbox"/> Resettlement programme and slum clearing. <input type="checkbox"/> Promoting urban economic development <input type="checkbox"/> Contribution to the eradication of poverty and inequality. 		The strategic partners for exercising the function. <ul style="list-style-type: none"> <input type="checkbox"/> National Departments of Water Affairs and Forestry, Land Affairs, Minerals and Energy <input type="checkbox"/> Provincial departments of Agriculture and Environmental Affairs, Transport, Public Works, Traditional and Local Government Affairs <input type="checkbox"/> Eskom <input type="checkbox"/> Development Bank of South Africa
Class 1 legislative provisions (Housing)	Administrative competence	Authorization/permits
Housing Act (Act No. 107 of 1997) and associated Amendment Acts	National/provincial/local	N/A
National Housing Code	National/provincial/local	N/A
Urban Development Framework (1997)	National/provincial/local	N/A
Rural Development Framework (1997)	National/provincial/local	N/A
Habitat Agenda (1996)	National	N/A
Other environmental legislative provisions (strategic partners)		
National Environmental Management Act (Act No. 107 of 1998)	National/Provincial (DEAT/DAEA)	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (Act No. 73 of 1989)	National/Provincial (DEAT/DAEA)	Section 22: Authorisation to undertake identified activities
ECA EIA Regulations (1997)	National/Provincial (DEAT/DAEA)	Regulation 4: Authorisation to undertake identified activities
Development Facilitation Act (Act No. 67 of 1995)		
National Water Act (Act No. 36 of 1998)	National/Provincial (DWAF)	Section 40: Licence to use water Regulation 3 of the Regulations on registration of water use: Registration of water use
Conservation of Agricultural Resources Act (Act No. 43 of 1983)	National (NDA)	Permit
Atmospheric Pollution Prevention Act (Act No. 45 of 1965)	National (to be delegated to province)	Section 9: Registration certificate/provisional registration certificate to conduct a scheduled process
KwaZulu-Natal Heritage Act (Act No. 10 of 1997)	Provincial (Amafa aKwaZulu Natali)	Section 19: Permit to damage, alter, redecorate, or remove a heritage landmark Section 20: Permit to damage, alter, redecorate, or remove a provincial landmark Section 21: Permit to damage, alter, redecorate, or remove a heritage object Section 24: Permit to damage, alter, redecorate, or remove a provisionally protected heritage resource Section 27: Notification of impact assessment required where development may affect a heritage resource
Other environmental legislative provisions (strategic partners)		
Natal Town Planning Ordinance No. 27 of 1949	(Provincial)	N/A
White Paper on Water and Sanitation		N/A
White Paper on Environmental Management Policy		N/A
Green Paper on Development and Planning		N/A

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

Decision making

- ☐ Provincial housing project approval is dependant on adherence to the pre-scribed township establishment process, which ensures compliance with legislative provisions and environmental principles.
- ☐ Policies
- ☐ Inclusion of environmental considerations in housing legislation and policy.
- ☐ The National Housing code identifies principles, strategies and processes for sustainable housing development.
- ☐ The rural and urban development frameworks include the impacts of housing development on the environment.

Information

- ☐ Guidelines for Human Settlement Planning and Design (known as the Red Book), includes provisions for environmentally sustainable settlement formation.

- ☐ Environmentally Sound Low Cost Housing: Draft Guidelines for Implementation provides recommendations for energy and water efficient housing and for urban greening.
- ☐ National Norms and Standards for permanent residential structures, includes minimum specifications for aspects that are of environmental concern, including water, sanitation, roads and storm-water drainage.

Other mechanisms

- ☐ No clear protocols or MoU's exist to ensure cooperative environmental governance.
- ☐ Pre-application environmental screening checklist is being drafted by DAEA.

Problems and constraints in achieving compliance

- ☐ Capacity gaps are central to the inability of the Housing Department to achieve compliance with environmental legislative provisions and NEMA principles.
- ☐ No arrangements exist between the DAEA and Housing to facilitate discussion around environmental management.

Recommendations for cooperative environmental governance and environmental management

- ☐ Protocol's and MoU's between relevant strategic partners need to be created.
- ☐ The role and responsibilities of the Provincial department, and local authorities/developers, in the development and authorization processes needs to be defined.
- ☐ The responsibility in terms of costs for undertaking mitigatory measures to minimize environmental impacts for housing developments needs to be clarified.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<ul style="list-style-type: none"> <input type="checkbox"/> Housing policy and legislation includes principles of social, economic and environmental sustainability, however practical implementation of these principles is limited. <input type="checkbox"/> Housing provided in programmes has been on the basis of single houses per Erf, which has perpetuated urban sprawl. <input type="checkbox"/> Housing subsidy programme has introduced locational incentives of up to 15% of the housing subsidy amount to encourage high-density development on well-located land.
Integration of Environmental Considerations into Decision Making	<ul style="list-style-type: none"> <input type="checkbox"/> Environmental considerations are included into housing legislation and policy. <input type="checkbox"/> Provincial housing project approval is dependant on adherence to the pre-scribed township establishment process, which ensures compliance with legislative provisions and environmental principles. <input type="checkbox"/> Planning at a local level tends to be poorly integrated, compromising the incorporation of environmental considerations.
Participation, Empowerment and Transparency	<ul style="list-style-type: none"> <input type="checkbox"/> Provincial requirement that housing projects based on inclusive (social compact) agreements with relevant stakeholders, although community and other authority participation may be limited by resource constraints. <input type="checkbox"/> National Housing Policy includes partnerships, a people-driven process, skills transfer, community empowerment and transparency.
Environmental Justice and Equity	<ul style="list-style-type: none"> <input type="checkbox"/> Housing subsidy programme in rural areas with dispersed settlement patterns, has not been as prominent as in urban areas. <input type="checkbox"/> National Housing Policy includes fairness and equity in terms of gender, race, religion and creed.
Ecological Integrity	<ul style="list-style-type: none"> <input type="checkbox"/> National norms and standards and guidelines include provisions for environmentally sustainable housing developments, although not always applied. <input type="checkbox"/> Protection of ecological integrity included in policy and legislation, however not often ensured in practical implementation.
Cooperative Governance	<ul style="list-style-type: none"> <input type="checkbox"/> Provincial housing departments are passive participants in the Land Development Objectives (LDOs) and IDP process. <input type="checkbox"/> The role of provincial housing departments in legislative processes, such as DFA and EIA, is uncertain.

5.7.5 Department of Economic Development and Tourism

The Department of Economic Development and Tourism delivers a number of services that relate directly to environmental management, development planning, health and governance for sustainable development. The Department's activities contribute to creation of economic opportunities for the province's inhabitants, and they have to take into account policies and laws for environmental management and planning.

Table 20: Summary of activities and mandates of Department of Economic Development and Tourism

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

Focus areas for analysis	Partners
<p>The following key areas are relevant, as shown in the first edition EIP (2001):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Strengthening investment and industrial promotion <input type="checkbox"/> Promoting tourism and industrial development <input type="checkbox"/> Development of small, micro and medium enterprises <input type="checkbox"/> Beneficiation through creation of job opportunities and added economic value 	<ul style="list-style-type: none"> <input type="checkbox"/> National Departments of Foreign Affairs, Provincial and Local Government, Water Affairs and Forestry, Environmental Affairs and Tourism, Land Affairs, Agriculture, Defence, Minerals and Energy, Arts, Culture, Science and Technology <input type="checkbox"/> Provincial Departments of Transport, Public Works, Traditional and Local Government Affairs, Health.

Focus areas for analysis		Partners
<input type="checkbox"/> Investment projects and promoting rural economic growth <input type="checkbox"/> Process of development planning		<input type="checkbox"/> Municipalities and Traditional Authorities. <input type="checkbox"/> Industry associations <input type="checkbox"/> Tourism KZN <input type="checkbox"/> Ithala development corporation
Class 1 legislative provisions	Administrative competence	Authorization/permits
Reconstruction and Development Programme of 1994	National	N/A
Growth, Employment and Redistribution	National	N/A
Macroeconomic Strategy		
Provincial Growth and Development Strategy	Provincial	N/A
White Paper on Tourism (1996)	National	N/A
Tourism Act (1993)	National/Provincial	N/A

Other environmental legislative provisions environmental legislative provisions (Strategic Partners)

National Environmental Management Act (Act No. 107 of 1998)

Environment Conservation Act (Act No. 73 of 1989)

ECA EIA Regulations (1997)

Development Facilitation Act (Act No. 67 of 1995)

National Water Act (Act No. 36 of 1998)

Conservation of Agricultural Resources Act (Act No. 43 of 1983)

Atmospheric Pollution Prevention Act (Act No. 45 of 1965)

KwaZulu-Natal Heritage Act (Act No. 10 of 1997)

KwaZulu-Natal Land Affairs Act (Act No. 11 of 1992)

Natal Town Planning Ordinance (Act No. 27 of 1949)

Hazardous Substances Act (Act No. 15 of 1973)

Coastal legislation, policies etc (where applicable)

Manner in which KZN ensures that its functions are exercised to ensure compliance with primary legislative provisions

Existing arrangements and activities contributing to cooperative environmental governance and environmental management are limited. No arrangements exist between the DAEA and DED and T to facilitate discussions around environmental management.

Recommendations for cooperative environmental governance and environmental management

The DAEA must assist the DEA and T to participate in the EIP process and complete the table information for 2003 reporting.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<input type="checkbox"/> SDI guiding principles link with NEMA principles to promote sustainable development.
Integration of Environmental Considerations into Decision Making	<input type="checkbox"/> Spatial Environmental Management Framework for LSDI guides decision making taking environmental considerations into account. <input type="checkbox"/> The Environmental Information Management System of the DTI will have implications for decision-making for DED and T both internally and externally.
Participation, Empowerment and Transparency	<input type="checkbox"/> Promotion of SMME's to facilitate empowerment. <input type="checkbox"/> KwaZulu-Natal Economic Council promotes co-ordination between business, labour, local government, parastatals and civil society. <input type="checkbox"/> Improved information-sharing and visible participation in bilateral and multilateral arrangements with other departments will increase participation, transparency on environmental issues. This will in turn contribute to empowered decision-making
Environmental Justice and Equity	<input type="checkbox"/> Social responsibility and poverty alleviation programmes promote environmental justice and equity. <input type="checkbox"/> The environmental goods and services industry will benefit from increased information-sharing through new and existing forums; cleaner production and cleaner technology will be promoted
Ecological Integrity	<input type="checkbox"/> Environmental compliance in the business sector will be supported through environmental incentives. <input type="checkbox"/> Promotion of EMS with business development in IDZ's.
Cooperative Governance	<input type="checkbox"/> Nothing to report

5.8 National departments

5.8.1 Department of Trade and Industry

The Department of Trade and Industry is a significant governmental player in unlocking opportunities for economic development in the province. Industrial and commercial development has the potential to impact on the natural environment, and to create economic security. The private sector is a key partner for successful environmental cooperative governance, and government departments responsible for environmental management are stakeholders in private sector activities that impact on the environment.

Table 21: Summary of activities and mandates of Department of Trade and Industry**Department of Trade and Industry**

Focus area of analysis		Strategic partners
The following key areas are relevant, as shown in the first edition EIP (2001): <input type="checkbox"/> Integrated research and development <input type="checkbox"/> Development of small, micro and medium enterprises <input type="checkbox"/> Beneficiation through creation of job opportunities and added economic value <input type="checkbox"/> Southern African regional trade policy		<input type="checkbox"/> Department of Foreign Affairs <input type="checkbox"/> Department of Provincial and Local Government <input type="checkbox"/> Department of Water Affairs and Forestry <input type="checkbox"/> Department of Environmental Affairs and Tourism <input type="checkbox"/> Department of Land Affairs <input type="checkbox"/> Department of Agriculture <input type="checkbox"/> Department of Transport <input type="checkbox"/> Department of Defence <input type="checkbox"/> Department of Minerals and Energy <input type="checkbox"/> Department of Health <input type="checkbox"/> Department of Arts, Culture, Science and Technology <input type="checkbox"/> Provincial departments for economic affairs <input type="checkbox"/> Industry associations
Class 1 legislative provisions (DTI)	Administrative competence	Authorization/permits
Reconstruction and Development Programme of 1994 Growth, Employment and Redistribution Macroeconomic Strategy	National National	N/A N/A
Other environmental legislative provisions (Strategic partners)		
National Environmental Management Act (1998)	National/Provincial (DEAT/DAEA)	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (1989)	National/Provincial (DEAT/DAEA)	Section 22: Authorisation to undertake identified activities
ECA EIA Regulations (1997)	National/Provincial (DEAT/DAEA)	Regulation 4: Authorisation to undertake identified activities
National Water Act, (Act No. 36 of 1998)	National/Provincial (DWAF)	Section 40: Licence to use water Regulation 3 of the Regulations on registration of water use: Registration of water use
National Forests Act, (Act No. 84 of 1998)	National (DWAF)	Section 7 or 23: Licence to disturb or remove or receive any indigenous living tree from a natural forest
White Paper on Environmental Management Policy	National/Provincial (DEAT/DAEA)	N/A

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions

Existing arrangements and activities contributing to cooperative environmental governance and environmental management:

- ☐ MINMEC: meetings with Members of Executive Councils in provinces
- ☐ Meetings with development agencies
- ☐ Meetings with environmental committees of Industrial Development Zones
- ☐ Cooperation with Spatial Development Initiative managers and relevant authorities
- ☐ Representation at the Committee for Environmental Coordination
- ☐ Participation in DWAF working groups on waste discharge and other matters
- ☐ Memorandum of Understanding with DLA on land development issues
- ☐ Participation on interdepartmental council on genetically modified organisms with Department of Agriculture
- ☐ Regular meetings with other government departments, labour and industry sectors on issues requiring interaction as these pertain to the environment

Recommendations for cooperative environmental governance and environmental management

- ☐ The DTI's proposed Environmental Implementation and Management System plan will encourage environmental stewardship among entrepreneurs, and this approach should be extended to assist government partners in achieving environmental compliance and environmental best practice.
- ☐ Options for developing partnerships between DAEA and Commerce & Industry must be investigated and researched, in order to unlock and align resources and activities affecting the environment, to stimulate sustainable development and environmental management. This must be facilitated by engagement with industry associations and government departments.
- ☐ Alignment of the KZN EIP with DTI's EIP should be encouraged as a priority.

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<input type="checkbox"/> DTI supports the goals of Agenda 21 and has identified the international agreements that impact on environment and trade, that it should be aware of for its participation in multilateral forums
Integration of Environmental Considerations into Decision Making	<input type="checkbox"/> The Environmental Information Management System will have implications for decision-making, internally to DTI's operational units and also externally to industrial and government partners

NEMA principles	Compliance to NEMA principles
Participation, Empowerment and Transparency	<input type="checkbox"/> Improved information-sharing and visible participation in bilateral and multilateral arrangements with other departments will increase participation, transparency on environmental issues. This will in turn contribute to empowered decision-making
Environmental Justice and Equity	<input type="checkbox"/> The environmental goods and services industry will benefit from increased information-sharing through new and existing forums; cleaner production and cleaner technology will be promoted
Ecological Integrity	<input type="checkbox"/> Environmental compliance in the business sector will be supported through environmental incentives to be offered by DTI
Cooperative Governance	<input type="checkbox"/> Participation in the Committee for Environmental Coordination ensures interaction with the DEAT, and bilateral activities with other departments may in future benefit from this approach

5.8.2 Department of Water Affairs and Forestry: Community Forestry

Forest-based enterprise development directed at empowering small entrepreneurs is a key activity in community forestry that has environmental implications. Community forestry, as an upliftment activity in the initial instance, has commercial growth potential starting from a small-scale industrial base. At some stage, opportunities and incentives offered by the DTI may become relevant to community forestry, either directly or indirectly. The role of the DTI with respect to cooperative governance concerning small-scale enterprise will have to be defined for KwaZulu-Natal.

Table 22: Summary of activities and mandates of Department of Water Affairs and Forestry – Community Forestry

DEPARTMENT OF WATER AFFAIRS AND FORESTRY Community Forestry (KwaZulu-Natal)

Focus area of analysis	Strategic partners	
<p>The following key areas are relevant, as shown in the 2000-2005 strategic plan:</p> <ul style="list-style-type: none"> <input type="checkbox"/> New afforestation and forest enterprise development <input type="checkbox"/> Woodland management <input type="checkbox"/> Greening <input type="checkbox"/> Promotion of legislation (fire management) 	<ul style="list-style-type: none"> <input type="checkbox"/> Department of Water Affairs and Forestry (Water Affairs) <input type="checkbox"/> Department of Agriculture and Environmental Affairs <input type="checkbox"/> License Advisory Assessment Committee <input type="checkbox"/> KZN Wildlife <input type="checkbox"/> Department of Land Affairs <input type="checkbox"/> Department of Traditional Affairs and Local Government <input type="checkbox"/> Private Companies and outgrowers <input type="checkbox"/> Traditional Authorities <input type="checkbox"/> Research Institutions <input type="checkbox"/> Farmer Support Group (FSG) <input type="checkbox"/> District Councils and municipalities <input type="checkbox"/> Community Development Committees <input type="checkbox"/> Urban greening committees <input type="checkbox"/> Fire Protection Association 	
Class 1 legislative provisions (Forestry)	Administrative competence	Authorization/permits
National Forests Act, (Act No. 84 of 1998)	National	Section 7 or 23: Licence to disturb or remove or receive any indigenous living tree from a natural forest
National Veld and Forests Fire Act, (Act No. 101 of 1998)	National	N/A
White Paper on Sustainable Forest Development in South Africa, 1996	National	N/A
National Forestry Action Plan of September 1997	National	N/A
Other environmental legislative provisions (Strategic Partners)	Legislative competence	Authorization/permits
National Environmental Management Act (1998)	National/Provincial	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (1989)	National/Provincial	Section 22: Authorisation to undertake identified activities Section 23: Authorisation to develop in a limited development area
ECA EIA Regulations (1997)	National/Provincial	Regulation 4: Authorisation to undertake identified activities
White Paper on Environmental Management Policy	National/Provincial	N/A
National Water Act, (Act No. 36 of 1998)	National/Provincial	Section 24: Licences for use of water found underground on property of another person Section 40: Licence to use water Section 95: Directives to water user association Section 120: Registration of dam with safety risk Regulation 3 of the Regulations on registration of water use: Registration of water use

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

Existing arrangements and activities contributing to cooperative environmental governance and environmental management:

- ☐ Promote linkages between community growers and companies
- ☐ Form a partnership with the Working for Water Programme
- ☐ Develop criteria and indicators for sustainable woodland management
- ☐ Promote forestry activities through provincial government departments and municipalities

Problems and constraints in achieving compliance

- ☐ Limited capacity to assist small growers to comply with environmental regulations
- ☐ Limited awareness of IEM requirements in planning of woodlot.

Recommendations for cooperative environmental governance and environmental management

- ☐ Continue to coordinate activities with policies and plans executed and administered by existing partners in provincial government departments
- ☐ Coordinate with Chief Directorate: Development Planning of the Department of Traditional and Local Government Affairs in terms of the Land Use Management System and spatial information systems.
- ☐ Integrate activities into Integrated Development Plans from 2002 onwards

The manner in which compliance to NEMA principles is ensured

NEMA principles	Compliance to NEMA principles
Sustainable Development	<input type="checkbox"/> Community Forestry aims to support the development of sustainable livelihoods in communities dependent on tree-based resources, through working in partnership with government and other service providers
Integration of Environmental Considerations into Decision Making	<input type="checkbox"/> Community Forestry will communicate the content of the Veld and Forest Fire Act to ensure that landowners and land managers understand their obligations <input type="checkbox"/> Assisting with submitting applications to the Licence Assessment Advisory Committee will ensure third-party decision-making around environmental considerations
Participation, Empowerment and Transparency	<input type="checkbox"/> Partnerships will be formed both with government and civil society <input type="checkbox"/> Greening committees will be formed and technical and managerial advice provided across the range of projects conducted in collaboration with these partners
Environmental Justice and Equity	<input type="checkbox"/> Community Forestry assists in the greening of schools, clinics and other institutions
Ecological Integrity	<input type="checkbox"/> Community Forestry shall advise communities on suitable or priority areas for new afforestation and assist in putting in licence applications through the Licence Assessment Advisory Committee
Cooperative Governance	<input type="checkbox"/> Community Forestry will ensure that it works in partnership with provincial government departments in delivering its services. This is reflected in the strategic plan for KwaZulu-Natal, 2000-2005

Table 23: Summary of activities and mandates of Department of Water Affairs and Forestry – Water Resource Management

DEPARTMENT OF WATER AFFAIRS AND FORESTRY
Water Resource Management

Focus area of analysis	Strategic partners	
The following key areas are relevant, as shown in the First Edition EIP (December 2001): <input type="checkbox"/> NWA implementation programme <input type="checkbox"/> National Water Resource Strategy <input type="checkbox"/> Catchment Management Strategies	NATIONAL DEPARTMENTS <input type="checkbox"/> Agriculture <input type="checkbox"/> Environmental Affairs and Tourism <input type="checkbox"/> Land Affairs <input type="checkbox"/> Energy Affairs <input type="checkbox"/> Public Works <input type="checkbox"/> Trade and Industry <input type="checkbox"/> Housing <input type="checkbox"/> Transport PARASTATALS/OTHER <input type="checkbox"/> CSIR <input type="checkbox"/> Water Research Commission <input type="checkbox"/> WESSA <input type="checkbox"/> National Parks Board <input type="checkbox"/> Ezemvelo KZN Wildlife	
Class 1 legislative provisions	Administrative competence	Authorization/permits
National Water Act 36 of 1998	National/Provincial	Section 24: Licences for use of water found underground on property of another person
		Section 40: Licence to use water Section 95: Directives to water user association Section 120: Registration of dam with safety risk

Class 1 legislative provisions	Administrative competence	Authorization/permits
		Regulation 3 of the Regulations on registration of water use: Registration of water use
White Paper on a National Water Policy, April 1997	National	N/A
Other environmental legislative provisions (Strategic partners)	Administrative competence	Authorization/permits
National Environmental Management Act (1998)	National/Provincial (DEAT/DAEA)	Section 28(4): Directive for measures to be taken for the remediation of environmental damage Section 30(6): Directive in respect of control of emergency incidents
Environment Conservation Act (1989)	National/Provincial (DEAT/DAEA)	Section 22: Authorisation to undertake identified activities Section 23: Authorisation to develop in a limited development area
ECA EIA Regulations (1997)	National/Provincial (DEAT/DAEA)	Regulation 4: Authorisation to undertake identified activities
White Paper on Environmental Management Policy	National/Provincial (DEAT/DAEA)	N/A

Manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions

Existing arrangements and activities contributing to cooperative environmental governance and environmental management:

- ☐ The DWAF SFRA LAAC provides a good vehicle for cooperative governance and integration of environmental management.

Problems and constraints in achieving compliance

- ☐ To be addressed in the DEAT Cooperative Governance Alignment Report

Recommendations for cooperative environmental governance and environmental management

- ☐ To Streamline Water Use Licensing and the EIA Authorisation process for forestry activities.
- ☐ To be further addressed in the DEAT Cooperative Governance Alignment Report

SECTION 6: RECOMMENDATIONS FOR ENVIRONMENTAL MANAGEMENT AND COOPERATIVE GOVERNANCE

Recommendations for cooperative environmental governance are presented in the tables relating to specific functions and activities of the relevant organs of state. This section provides a general overview of the mechanisms that may be employed to promote environmental management, including the objectives of IEM as explained in Chapter 5 of NEMA.

6.1 The promotion of Integrated Environmental Management (NEMA Chapter 5)

In promoting consistency in the exercise in functions, IEM processes already underway must be identified and consolidated. Furthermore, the mechanisms of cooperative environmental governance, already implemented by the various organs of state, must be enhanced. Table 19 is a first attempt to identify provide an overview of selected mechanisms and IEM tools already in existence to meet the objectives of IEM, as spelled out in Chapter 5 of NEMA. Recommendations are offered that may be considered in future alignment, consolidation and implementation.

6.2 Performance monitoring

The EIP is intended to ensure that KwaZulu-Natal complies with relevant legislative provisions, and that there is cooperation, coordination and harmonisation of provincial interdepartmental policies, plans and programmes. Reporting and performance monitoring are two activities that support these requirements.

Arrangements for reporting and monitoring were introduced in Section 2.2. Section 16 (1) (b) of NEMA requires organs of state to report annually to the Director General of DEAT and the CEC on the implementation of adopted EIPs and EMPs. KZN is also required to report on the following:

- ☐ An action plan for implementing the recommendations of the CEC's Cooperative Environmental Governance Alignment Report (CEC May 2002);
- ☐ Environmental and sustainable development indicators; and
- ☐ Progress made with monitoring compliance to the EIP by municipalities.

The Auditor-General is also in the process of developing standards for environmental auditing to support implementation of Chapter 3 of NEMA. The outcome of this initiative will improve environmental accountability. Provincial organs of state will be required to report on these requirements.

6.2.1 KZN Approach towards monitoring performance and compliance

The KZN Action Plan for EIP Implementation (Table 25) reflects three objectives:

- ☐ Strengthen the EIP process in KwaZulu-Natal
- ☐ Improved coordination and monitoring
- ☐ Promote the objectives of IEM

The 2002 Action Plan identifies key actions and milestones that will contribute to the achievements of each objective and in turn lead to improvements in cooperative environmental governance in the Province. These actions are mostly focussed on the DAEA's performance.

The DAEA has the responsibility to undertake a process of information collection with the priority departments identified in Section 5.5 (Table 13). Annexure 3 (Format for Future Departmental Analysis) presents a framework for uniform information gathering across departments, which will assist in reporting and monitoring progress towards alignment between departments in cooperative environmental governance. Each department will be approached by DAEA and presented with guidelines on the collection and presentation of information. The framework tool thus is an aide towards departmental self-assessment of performance, constraints and opportunities. The framework presented in Annexure 3 will be expanded and finalised in consultation with the identified priority departments.

Through this process, DAEA expects three significant outcomes that will contribute to cooperative governance on environmental matters while recognising limits and constraints faced by each individual department:

- ☐ Each department is to assume environmental stewardship in executing their functions, drawing on the assistance of DAEA where required by the department;

- ☐ The role of DAEA as a facilitator and coordinator will be to assist in aligning the goals and objectives of departments as these relate to the EIP;

- ☐ As the approach is collaborative and relies on departmental self-assessment, departments will have the opportunity to make own recommendations towards improving their individual performance, and to commit to objectives and goals that they perceive to be realistic.

DAEA will improve the Action Plan and report annually on its performance whilst promoting participation of priority departments in the process.

6.2.2 Performance information required for monitoring and audit verification

The development of performance indicators is an evolutionary process, and in KZN will be the result of the ongoing consultative process with the relevant organs of state, in conjunction with self-assessment processes undertaken by departments. The aim is to integrate indicators already in use by the various departments to serve the needs of EIP monitoring with minimum duplication.

Performance indicators to monitor cooperative environmental governance must be developed to promote organisational compliance with the EIP. These performance indicators may be related to the functioning of organisations, mechanisms and procedures and may include the following categories:

- ☐ Financial and Capacity: Resources allocated to implement functions.
- ☐ Cooperation and Systems: Achievement of specified time frames for implementation.
- ☐ Collaboration and Participation: Representation on indicated committees.
- ☐ Compliance and Control: Compliance with statutory procedures relating to environmental management.

Requirements for auditing overlap with these performance indicator categories and further promote the setting of measurable targets and milestones. Audit requirements include:

- ☐ Actions, outputs and timeframes as per the consolidated Action Plan;
- ☐ Capacity and budget requirements, and availability of these;
- ☐ Information required for reporting identified for verification;
- ☐ Indication of the agency responsible for implementation of the EIP commitments;
- ☐ Indication of how progress is to be monitored.

The Province will be guided by the Auditor-General's office and the DEAT in its development of a monitoring system for compliance to the EIPs and EMPs.

Table 24: An overview of existing mechanisms and tools for IEM in KZN

IEM objective	Existing mechanism or IEM tools	Recommendation
Promote integration of NEMA principles into the making of all decisions that may affect the environment	<input type="checkbox"/> DWAF Licence Assessment Advisory Committee <input type="checkbox"/> DAEA Environmental Database and Decision Support System (EDDSS)	<input type="checkbox"/> Develop activity based decision making criteria in consultation with line function departments <input type="checkbox"/> Include principles in EDDSS
Identify, predict and evaluate impact on the environment in order to minimise negative impacts and maximise benefits of activities.	<input type="checkbox"/> EIA Regulations managed by environmental authority. <input type="checkbox"/> Development planning process managed by DT and LGA <input type="checkbox"/> DFA process managed by the Tribunal <input type="checkbox"/> EDDSS <input type="checkbox"/> DWAF Licence Assessment Advisory Committee <input type="checkbox"/> DWAF SEA <input type="checkbox"/> DTLGA GIS	<input type="checkbox"/> Standardise assessment methodologies and criteria <input type="checkbox"/> Develop activity based decision making criteria
Adequate and appropriate opportunity for public participation in environmental decision-making.	<input type="checkbox"/> DEAT NEMA Guide <input type="checkbox"/> DWAF Public Participation Guidelines <input type="checkbox"/> DEAT EIA Regulations and EIA guideline document	<input type="checkbox"/> Develop activity based standards for public participation <input type="checkbox"/> Develop framework for public responsibility
Consideration of environmental attributes in management and decision-making.	<input type="checkbox"/> SDI EMF <input type="checkbox"/> DWAF SEA <input type="checkbox"/> KZN Wildlife's Strategic Conservation Planning and Development Project, aimed at improved biodiversity management. <input type="checkbox"/> EDDSS <input type="checkbox"/> KZN GIS Forum	<input type="checkbox"/> Integrate all GIS information into single database accessible to all stakeholders, identify stakeholder responsibility <input type="checkbox"/> Develop activity based decision making criteria <input type="checkbox"/> Develop financial mechanisms with Department of Finance
Employment of modes of environmental management best suited to particular activities.	<input type="checkbox"/> DWAF SEA <input type="checkbox"/> DEAT EMF's	<input type="checkbox"/> Develop activity based standards in consultation with private sector <input type="checkbox"/> Application of a variety of IEM tools best suited for particular activity
Coordination of activities	<input type="checkbox"/> EIA Regulations managed by environmental authority <input type="checkbox"/> KZN Service Providers Forum (DOT) <input type="checkbox"/> DWAF Provincial Liaison Committee	<input type="checkbox"/> Establish environmental committees on regional and local municipal levels <input type="checkbox"/> Clarify legislative overlaps and uncertainties viz. Minerals Act and ECA Regulations, DFA and ECA Regulations <input type="checkbox"/> Establish Local Government environmental capacity building programme
Identification of sensitive geographical areas	<input type="checkbox"/> Identification and assessment of IDZ's in Richards Bay and Durban <input type="checkbox"/> KZN State of Environment Report	<input type="checkbox"/> Integration of sectoral spatial data into single database

IEM objective	Existing mechanism or Recommendation	IEM tools
	<input type="checkbox"/> DWAF SEA <input type="checkbox"/> KZN Wildlife's Strategic Conservation Planning and Development Project, aimed at improved biodiversity management. <input type="checkbox"/> KZN Strategic Coastal assessment	
Information dissemination	<input type="checkbox"/> EIA Regulations managed by environmental authority <input type="checkbox"/> DAEA waste web site <input type="checkbox"/> DTLGA Development Planning Register	<input type="checkbox"/> Make EDDSS available on website
Reporting on information, knowledge, and methodology gaps	<input type="checkbox"/> ECA Regulations Scoping and Impact Assessment Reports <input type="checkbox"/> KZN SOER <input type="checkbox"/> Sustainable Development Performance Report <input type="checkbox"/> Human Rights Commission Report	<input type="checkbox"/> Develop feedback systems for Sustainable Development Performance Report and Human Rights Commission Report <input type="checkbox"/> Reporting requirements & indicators to be integrated <input type="checkbox"/> Encourage information gap reporting in impact assessment process
Establish mechanisms for monitoring and management of impacts	<input type="checkbox"/> DAEA Monitoring and Enforcement components <input type="checkbox"/> Richards Bay, Newcastle, Pietermaritzburg and Durban Air Quality Monitoring Programmes	<input type="checkbox"/> Develop activity based Environmental Management Plan standards

Table 25: KZN Action Plan Programme for EIP implementation

Action	Output	Milestones	Responsibility	Time-frames
OBJECTIVE: STRENGTHENING THE EIP PROCESS IN KZN				
Build capacity for EIP facilitation	Improved facilitation of environmental governance Posts filled.	Resources allocated to DAEA's Environmental Governance function.	DAEA	2003 – 2004
Develop a provincial EIP Implementation system.	Effective monitoring Multi-stakeholder support.	Database of provincial role players. Agreement on monitoring mechanisms. Inputs from selected departments received on time for annual reporting to DG:DEAT	DAEA with all relevant authorities	2002 – 2004
Facilitate workshops with strategic partners to verify areas of uncertainty and information.	Capacity building. Clarification of roles.	Attendance of appropriate departmental representatives. Areas of uncertainty clarified.	DAEA	2002 – 2004
All identified departments to complete tables for priority activities.	Commitment from all departments. Reference framework established.	Tables completed and submitted for 2003 reporting.	All relevant departments	2003
Establish mechanisms for interdepartmental information sharing and awareness.	Collaborative inputs into the EIP process. Commitment from all role players	Information exchange system in place. Bi-annual feedback to provincial role players.	DAEA with all relevant authorities	2003
Ensure the inclusion of EIP activities in all business plans of provincial departments selected in EIP.	Resource commitments	NEMA compliance statement in departmental plans.	DAEA	2002 – 2004
Develop performance indicators for EIP implementation.	Improved monitoring and performance.	First set of indicators available for 2003 reporting.	DAEA with all relevant departments	2002 – 2003
Investigate all relevant departments' resources and ability to report on the environment	Improved monitoring and performance.	Departmental champions identified. Status Quo Report available for 2003 reporting.	DAEA	2002 – 2004
Develop updated implementation programme for KZN, through consultation, and report to DEAT	Compliance to NEMA Strengthening the EIP	Updated Implementation Plan prepared for 2003 annual reporting.	DAEA with all relevant departments	2003
OBJECTIVE: IMPROVED ENVIRONMENTAL COORDINATION AND MONITORING				
Establish a Provincial Committee for Environmental Coordination (PCEC)	Authority coordination	Committee established. Terms of reference accepted. % Attendance of role players.	DAEA	2002

Action	Output	Milestones	Responsibility	Time-frames
Revive quarterly Liaison Meetings between DAEA and DT and LGA	Improved coordination Integration of EIP and IDP	Quarterly meetings held.	DAEA DT and LGA	2002
Ensure representation of DAEA (Environment) on the provincial IDP Forum	Improved coordination with local government. Integration of processes.	% DAEA attendance.	T and LGA DAEA	2002
Propose that EIP be included as a standard agenda item on MEXCO and the relevant parliamentary portfolio committees.	Authority coordination Senior management buy-in.	EIP on agenda.DAEA	2002	
Investigate and research options for developing partnerships between DAEA and Commerce & Industry.	Regular and structured liaison between DAEA and interested stakeholders.	Stimulated participation in environmental governance. Number of opportunities created for partnership. Formal partnership between DAEA and DTI.	DAEA DTI EA and T	2002 – 2004
Clarify provincial roles and responsibilities relating to the Conservation and Sustainable Development of Mountain Areas.	Improved management of Mountain Areas.	Roles clarified. Formal agreement in place.	DAEA KZN Wildlife DEAT T and LGA	2003
Identify all existing provincial structures or arrangements that draw provincial departments together, and investigate their potential to facilitate environmental coordination.	Minimise duplication of structures and arrangements. Environmental management integration.	All structures documented. DAEA represented on identified structures.	DAEA	2003
DAEA to be represented on the PGDS Task Team	Alignment of EIP with PGDS Review.	% Attendance	DAEA PREMIER	2003 – 2004
Establish environmental capacity building programme for Local Government.	Empowerment of municipalities.	Number of training workshops.	DAEA	2002 – 2004
OBJECTIVE: PROMOTE OBJECTIVES OF IEM				
Facilitate discussions with the relevant role players to identify the best means to align existing IEM mechanisms/IEM	Consolidate IEM processes already under way. Enhance mechanisms in place.	Workshops held with all provincial partners responsible for information	DAEA	2002 – 2003
Develop an updated State of Environment Report for KZN	Improved decision-making Benchmark for monitoring	SoER prepared by May 2003	DAEA	2003
Improve and Implement Environmental Database and Decision Support System	Improved decision-making Framework for compliance monitoring Public access to information	NEMA principles included in EDDSS. The number of activity based decision-making criteria developed. EDDSS available on departmental web page	DAEA	2003 – 2004
Finalise and legislate Provincial Waste Management Policy	Improved legal framework	Legislation promulgated.	DAEA	2003-2004
Appoint environmental ombudsperson	Public involvement in governance Dispute resolution	Ombudsman appointed.	DAEA	2003-2004
Develop provincial norms and standards	Standardised and coordinated decision-making	Number of activity-based guideline documents in place.	DAEA	2002 – 2004
Develop a protocol for the alignment of the CARA and the EIA application processes involving the cultivation of virgin land.	Integrated decision-making.	Protocol in place.	DAEA NDA	2003
Investigate and develop procedures and mechanisms to manage agricultural development proposals in sensitive environments.	Specific attention given to management and planning procedures of sensitive environments as required by NEMA. Improved environmental management of agricultural activities.	Commitment of all role players. Procedures developed. Protocol in place.	DAEA KZN WILDLIFE DEAT	2003

Action	Output	Milestones	Responsibility	Time-frames
Review combined DFA-EIA application process.	Improved decision-making. Streamlined application procedure.	Report on application process review produced. New application process in place.	DAEA DT and LGA	2003
Develop and implement a strategy for EIA compliance monitoring in KZN.	Improved environmental management mechanisms. Improved compliance to EIA regulatory requirements.	Strategy in place. Number of compliance staff appointed.	DAEA	2002 – 2004
Develop activity based EMP standards	Improved environmental management mechanisms.	Number of guideline documents produced.	DAEA	2002 – 2004

ANNEXURE 1: NATIONAL ENVIRONMENTAL MANAGEMENT ACT (1998) PRINCIPLES

THEMES	National Environmental Management Act (Act No. 107 of 1998) PRINCIPLES
Sustainable Development	<ul style="list-style-type: none"> <input type="checkbox"/> Development must be socially, environmentally and economically sustainable. <input type="checkbox"/> Pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied. <input type="checkbox"/> Waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner. <input type="checkbox"/> The use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource. <input type="checkbox"/> 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.
Environmental Justice and Equity	<ul style="list-style-type: none"> <input type="checkbox"/> Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interest equitably. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination. <input type="checkbox"/> Negative impacts on the environment and on peoples environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.
Participation, Empowerment and Transparency	<ul style="list-style-type: none"> <input type="checkbox"/> 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 peoples must be ensured. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law. <input type="checkbox"/> The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.
Cooperative Governance	<ul style="list-style-type: none"> <input type="checkbox"/> There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to the environment. <input type="checkbox"/> Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures. <input type="checkbox"/> Global and international responsibilities relating to the environment must be discharged in the national interest.
Ecological Integrity	<ul style="list-style-type: none"> <input type="checkbox"/> The disturbance of the ecosystem and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, 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.

Integration of environmental considerations into decision-making

- ☐ 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.
- ☐ Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle.
- ☐ 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.
- ☐ A risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions.
- ☐ 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
- ☐ Negative impacts on the environment and on peoples environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

ANNEXURE 2: MODEL OF ENVIRONMENTAL LEGISLATION

RELEVANT ENVIRONMENTAL LEGISLATIVE PROVISIONS						
	Physical Resources	Water Resources	Biological Resources	Cultural Resources	Socio-Economic Resources	Land-use and Infrastructure
Description	Relating to Geology, soils, air, noise, visual and aesthetic resources.	Relating to ground water, surface water, floodplains, estuaries and the coastal environment.	Relating to Biodiversity, conservation, species protection and habitat protection.	Relating to cultural, historical, and archaeological sites, public monuments, memorials and architecturally important buildings.	Relates to people, communities, health, housing and economics.	Land-use planning, development planning, provision of utilities and services.
Constitution of the Republic of South Africa (1996) National Environmental Management Act (1998)						
CLASS 1 (Requires the issue of a permit or authorization for an activity which may significantly impact the environment – S24 of NEMA)	Environment Conservation Act (1989) Conservation of Agricultural Resources Act (1984) Minerals Act (1991) Atmospheric Pollution Prevention Act (1965) Hazardous Substances Act (1973) Draft Petroleum Pipeline Bill Occupational Health and Safety Act 85 of 1993 The KwaZulu Nature Conservation Act 29 of 1992 Fertilizers, Farm Feeds and Agricultural Remedies Act 36 of 1947	Environment Conservation Act (1989) National Water Act (1998) Seashore Act (1935) Hazardous Substances Act (1973) Draft Petroleum Pipeline Bill Water Services Act 108 of 1997	Environment Conservation Act (1989) Nature Conservation Act (1997) National Forest Act (1998) Marine Living Resources Act (1998) Biodiversity Bill Genetically Modified Organisms Act (1997)	Environment Conservation Act (1989) KZN Heritage Act (1997) National Heritage Resources Act 25 of 1999	Environment Conservation Act (1989) Hazardous Substances Act (1973) Minerals Act (1991) Nuclear Energy Act (1993) Health Act 63 of 1977	Environment Conservation Act (1989) Development Facilitation Act (1995) Natal Town Planning Ordinance KwaZulu-Natal Land Affairs Act (1992) Subdivision of Agricultural Land Act (1970) Less Formal Townships Establishment Act (1991) Land Use Management Bill National Building Regulations and Building Standards Act 103 of 1977 KwaZulu-Natal Planning and Development Act 5 of 1998

RELEVANT ENVIRONMENTAL LEGISLATIVE PROVISIONS						
	Physical Resources	Water Resources	Biological Resources	Cultural Resources	Socio-Economic	Land-use and Infrastructure
Description	Relating to Geology, soils, air, noise, visual and aesthetic resources.	Relating to ground water, surface water, floodplains, estuaries and the coastal environment.	Relating to Biodiversity, conservation, species protection and habitat protection.	Relating to cultural, historical, and archaeological sites, public monuments, memorials and architecturally important buildings.	Relates to people, communities, health, housing and economics.	Land-use planning, development planning, provision of utilities and services.
CLASS 2 (Other relevant legislation that influences and should be taken into consideration in decision making in terms of sustainable development)	Hazardous Substances Act (1973) Aviation Act (1962) Road Traffic Act (1989) Occupational Health and Safety Act (1993) Constitution of the Republic of South Africa Act (Act No. 108 of 1996) National Environmental Management Act (Act No. 107 of 1998) Environment Conservation Act (Act No. 73 of 1989) General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994)	Dumping at Sea Control Act Health Act (1977) Mountain Catchment Areas Act (1970) Abattoir Hygiene Act (1992) Lake Areas Development Act (1975) Merchant Shipping Act (1951) Marine Pollution Act (1981) Water Services Act (1999) Constitution of the Republic of South Africa Act 108 of 1996 National Environmental Management Act (Act No. 107 of 1998) General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994)	Mountain Catchment Areas Act (1970) KZN Nature Conservation Management Act (1999) World Heritage Convention Act (2000) Animal Diseases Act (1984) Animals Protection Act (1962) Sea Fisheries Act (1988) Agricultural Pests Act (1983) KwaZulu-Natal Animal Protection Act (1997) Constitution of the Republic of South Africa Act 108 of 1996 National Environmental Management Act 107 of 1998 Environment Conservation Act 73 of 1989 General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994)	National Heritage Resources Act (1999) National Monuments Act World Heritage Convention Act (1999) Constitution of the Republic of South Africa Act 108 of 1996 National Environmental Management Act 107 of 1998 General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994)	Housing Act (1997) Land Affairs Legislation (ESTA etc) Water Services Act (1999) Occupational Health and Safety Act (1993) Basic Conditions of Employment Act (1997) Employment Equity Act (1998) Labour Relations Act (1975) Mine Health and Safety Act (1996) Health Act (1977) Abattoir Hygiene Act (1992) Aviation Act (1962) Tourism Act (1993) KwaZulu-Natal Health Act (2000) Constitution of the Republic of South Africa Act 108 of 1996 National Environmental Management Act 107 of 1998 General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994)	Ngonyama Trust Act (1994) Coastal Management Bill Physical Planning Act (1991) KwaZulu-Natal Planning and Development Act (1998) Advertising on Roads and Ribbon Development Act (1940) Land Survey Act (1997) Expropriation Act (1975) Municipal Structures Act (1998) Municipal Systems Act (2000) National Building Regulations and Building Standards Act (1977) Tourism Act (1993) By laws Constitution of the Republic of South Africa Act 108 of 1996 National Environmental Management 107 of 1998 General Policy to Environment Conservation Act (GNR51 GG15428 of 21 January 1994) Local Authorities Ordinance 25 of 1974 Housing Act 107 of 1997 KwaZulu-Natal Housing Act 12 of 1998 Town Planning Ordinance 27 of 1949

ANNEXURE 3: FORMAT FOR FUTURE DEPARTMENTAL ANALYSIS

NAME OF DEPARTMENT OR ORGAN OF STATE
Core function

Focus area of analysis	Strategic partners	
Describe the policy, plan, programme or project that is the subject of this assessment	These are the partners that are strategically important for the focus area, that are essential to planning and/or implementation activities – national, provincial and local government	
Class 1 legislative provisions (department)	Administrative competence	Authorization/permits
List the Acts from which the Core Function derives its mandates for the Focus Area	Reflect the administrative competence for each item of legislation and policy – National, Provincial or Concurrent	Indicate legislative provisions that require the issuing of authorizations or permits
Other environmental legislative provisions (Strategic partners)	Administrative competence	Authorization/permits
As per above	As per above	As per above

The manner in which KZN ensures that its functions are exercised to ensure compliance with legislative provisions.

Report on state of compliance to provisions, principles, norms and standards and list arrangements for cooperative governance and environmental management, e.g. participation in forums and committees.

Problems and constraints in achieving compliance

Describe the nature and extent of problem areas and constraints faced by the Focus Area in meeting environmental compliance and performance. Focus especially on capacity and resources.

Recommendations for cooperative environmental governance and environmental management

List recommendations. For each recommendation, describe what will be done in the future, and how it will be done. Action items can be derived to be included in the implementation programme with targets, timeframes. Describe how the action items are decided on cooperatively between role-players.

ANNEXURE 4: Revised KZN Action Plan for EIP Implementation (July 2003)

This is the revised action plan for the KZN EIP as committed in the 2002 1st Edition EIP Action Plan.

Revised KZN Action Plan for EIP Implementation (July 2003)					
Outcome (results)	Commitment/measurable objective	Output (deliverables)	Performance measures/milestones/indicators	Responsibility	Time-frames
Improved facilitation of environmental governance	1. Develop a provincial EIP Implementation system.	System in place	Updated Implementation Plan by 2003 Database of provincial stakeholders Resources allocated to Environmental Governance function (DAEA and stakeholders, e.g. champions identified). Nr of EIP capacity building workshops Nr of stakeholders participating in completion of tables. Mechanisms for interdepartmental information sharing. Nr of stakeholders who included EIP in strategic and business plans.	DAEA All stakeholders	2002 – 2004
Improved Institutional Arrangements	2. Establish a provincial coordinating structure to facilitate interdepartmental cooperation around environmental management	Provincial Committee for Environmental Coordination (PCEC)	Terms of reference for committee Nr of meetings/annum Representation on PCEC Attendance of meetings	DAEA All stakeholders	2002– 2004
	3. Identify strategies to increase environmental input on provincial planning decision-making structures.	DAEA represented on Provincial IDP Forum DAEA represented on relevant structures	% attendance at meetings Representation on structures	DAEA	2002– 2004

Revised KZN Action Plan for EIP Implementation (July 2003)					
Outcome (results)	Commitment/ measurable objective	Output (deliverables)	Performance measures/mile- stones/indicators	Responsibility	Time-frames
	4. Promote the inclusion of EIP as an agenda item on all relevant Provincial Portfolio and/or Standing Committees.	EIP as standing item on relevant Provincial Portfolio and Standing Committees	Minutes of meetings reflecting EIP	DAEA All stakeholders	2002 – 2004
	5. Promote integration of environmental management into current intergovernmental structures with the aim to minimized duplication.	An investigation of all intergov- ernmental struc- tures in KZN for potential to facil- itate environ- mental coordina- tion.	All relevant structures identified.	DAEA Premier	2002 – 2004
	6. Promote environmental inclusion in the PGDS	DAEA represented on the relevant PGDS management structures.	Representation on relevant structures Attendance of meetings Environmental management provisions in PGDS	DAEA	2002 – 2004
Environmental Management integrated into Agricultural development	7. Ensure implementation of Section 21 of the ECA for activities controlled under the CARA*	Protocol for the alignment of the CARA and the EIA application processes involving the cultivation of virgin land.	Roles defined Processes and procedures defined Protocol in place	DAEA NDA	2002 – 2004
	8. Promote environmentally sound agricultural development in sensitive environments.	Procedures and mechanisms to manage agricultural development in sensitive environments.	Sensitive environments identified	DAEA KZN Wildlife	2002 – 2004
Sustainable Mountain development	9. Promote the Conservation and Sustainable Development of Mountain Areas.	Protocol to clarify provincial roles and responsibilities on Conservation and Sustainable Development of Mountain Areas.	Nr of Meetings Roles defined	DAEA KZN Wildlife DTLGA Protocol in place	2002 – 2004
Support for sound environmental management	10. Identify all existing IEM mechanisms and tools and its potential use by relevant stakeholders	Inventory of IEM mechanism and tools	Consultation with stakeholders (e.g. questionnaire) Inventory	DAEA with stake- holders	2002 – 2004
	11. Report on the State of the KZN Environment	KZN SoER	Provincial Issues identified Specialist Reports Environmental Indicators developed	DAEA with stake- holders	2002 – 2004
	12. Improve the management of environmental Information	Systems developed to manage environmental information	Database and system developed Accessibility	DAEA DEAT	2002 – 2004
	13. Promote standardization and coordinated decision-making through development of provincial norms and standards	Norms and standards	Nr of activity-based guideline documents in place	DAEA DEAT	2002 – 2004

Revised KZN Action Plan for EIP Implementation (July 2003)					
Outcome (results)	Commitment/ measurable objective	Output (deliverables)	Performance measures/mile- stones/indicators	Responsibility	Time-frames
	14. Implement Environmental Compliance Monitoring and Enforcement in KZN.	Strategy for Environmental Compliance and Enforcement	Compliance strategy in place Enforcement strategy in place	DAEA	2002 – 2004
Integrated Waste Management	15. Improve regulation of Waste Management	Waste Management Policy	Policy in place	DAEA	2002 – 2004
	16. Integrated Waste Management for municipalities	Capacity for, and development of, Integrated Waste Management Plans	Guidelines for development of IWMP in place. Nr of workshops Nr of plans produced	DAEA DMs	2002 – 2004
	17. Articulate the roles and responsibilities on aspects of health care waste management	Protocol to clarify roles and enhance cooperation	Nr of Meetings Roles defined Protocol in place	DAEA KZN Health DWAF	2002 – 2004
Development Planning	18. Promote the integration of environmental considerations into the IDP process*	Mechanisms to integrate environmental considerations in the IDP process.	Awareness raising campaigns Guidelines Environmental indicators	DAEA DEAT DTLGA Municipalities	2002 – 2004
Environmental management integrated into housing developments	19. Promote integration of environmental management into provincial housing functions*	Arrangements to facilitate environmental integration into provincial housing function	Awareness programme Environmental representatives on relevant housing structures Mechanisms identified	DAEA Housing	2002 – 2004
Environmental management integrated into transport function	20. Promote environmental cooperation with the Provincial Department of Transport	Working relationship	Meetings Areas of cooperation identified	DAEA DoT	2002 – 2004
Water resource protection and conservation	21. Streamline Water Use Licensing and EIA Authorisation processes for forestry activities*	Protocol to clarify roles and responsibilities.	Process reviewed Roles defined Protocol developed	DWAF DAEA DEAT	2002 – 2004
Integrated Coastal Management	22. Articulate roles in the management and protection of estuaries*	Protocol to clarify roles and enhance cooperation.	Meetings, workshops and structures Roles defined Protocol developed	DWAF DEAT DAEA KZN Wildlife Others	2002 – 2004
	23. Articulate roles and responsibilities in coastal management	Protocol to clarify roles and enhance cooperation.	Meetings, workshops and structures Roles defined Protocol developed	DEAT DAEA Others	2002 – 2004
	24. Implement ORV Regulations	Regulation	Administrative arrangements Nr of applications	DAEA DEAT KZN Wildlife Other role players	2002 – 2004
Environmentally sound small-scale forestry development	25. Promote environmentally sound small-scale forestry development in the province	Mechanisms to promote IEM for small-scale forestry development	Nr of mechanisms identified, developed and implemented	DAEA DWAF	2002 – 2004