

**KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI**

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PROVINCIAL NOTICE

No. 76

13 May 2009

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)

SECOND EDITION
2008

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PROVINSIALE KENNISGEWING – ISAZISO SESIFUNDAZWE – PROVINCIAL NOTICE

ONDERSTAANDE kennisgewing word vir algemene inligting gepubliseer.

Dr. K.B. MBANJWA
Direkteur-generaal

Natalia
Langalibalele Straat
Pietermaritzburg
12 May 2009

ISAZISO esilandelayo sikhishelwe ulwazi lwawonkewonke.

Dr. K.B. MBANJWA
Umqondisi-Jikelele

Natalia
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12 May 2009

THE following notice is published for general information.

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12 May 2009

EXECUTIVE SUMMARY

1 Introduction and background

This Environmental Implementation Plan (EIP) is a Second Edition prepared by the KwaZulu-Natal Provincial Administration in terms of Chapter 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) [NEMA] which requires all provinces to prepare an EIP every four years. The province's initial EIP was gazetted in 2004.

This EIP includes commitments made by provincial departments in KwaZulu-Natal and some national departments with regional offices in the province to promote co-operative governance with respect to environmental management.

The EIP identifies the policies, plans and programmes within each of the provincial and relevant national departments that could have significant impacts on the environment, and indicates measures that the departments are already putting into plan or plan to put into place to improve their environmental performance and co-operative governance.

2 Approach to the compilation of the EIP

The EIP review process was coordinated by the KwaZulu-Natal Department of Agriculture and Environmental Affairs in consultation with other provincial/ national departments within the province as well as other key public entities and non-governmental stakeholders. Provincial and National departments were requested to nominate champions who would represent their various departments / organisations in the review process and in the proposed Provincial Committee for Environmental Coordination (PCEC). The PCEC will be the custodian of the EIP and its implementation plan over the next four years of its validity. All representatives from various departments / organisations were officially nominated by their Heads of Departments and Chief Operations Officers. The Consultation with these representatives was done through consultation meetings, one-on-one sessions and interviews.

3 Significant environmental issues in KwaZulu-Natal

Pressing environmental issues in KwaZulu-Natal include:

- i. Poor ambient air quality
- ii. Unsustainable use of natural resources
- iii. Loss of biodiversity
- iv. Soil loss
- v. Poor protection of marine species
- vi. Coastal erosion
- vii. Poor wetland management
- viii. Poor water quality
- ix. Lack of proper sanitation
- x. Unsustainable energy use
- xi. Poor waste management

The strategic objectives and strategic partners of the relevant national and provincial government bodies have been analysed and the actions that these bodies are taking or planning to take to improve environmental compliance and cooperative governance.

4 How policies, plans and programmes will comply with NEMA principles

Policies, plans and programmes of various departments were evaluated using the departmental strategic plan documents. The key focus areas that have a potential to impact on the environment were identified as well as the key legislative mandates and other environmental-related mandates that need to be considered by each department in fulfilling its own mandate. This was done also to highlight areas where cooperative governance is essential with the aim of making recommendations on environmental co-operative governance. The constraints experienced by departments in complying with environmental legislation were also identified. These constraints were used as a guide in the compilation of the action plan.

5 Measures for co-operative governance

The EIP identifies measures that must be implemented to ensure co-operative governance between provincial departments as well as, the national and the local spheres of government. During the EIP review process key steps were taken towards the establishment of the PCEC which will be the key structure in ensuring co-operative environmental governance in the province. The structure is established in terms of the Intergovernmental Relation Framework Act, Act No. 13 of 2005 (IGRF) and it will be linked to the Office of the Premier's Co-ordination Committee. All provincial and national departments exercising functions that have a significant impact on the environment are represented in the PCEC.

6 Role of local government

NEMA does not assign any direct duties on local government in terms of EIP requirements. However, provincial governments are required to ensure that local authorities within their areas of jurisdiction comply with the provincial EIP. Cooperation and participation of the local government sphere will be done mainly through the Department of Local Government and Traditional Affairs which is mandated to support and monitor municipalities. Specific recommendations and action items have been included to deal specifically with local government and to ensure the integration of the EIP with local government planning tools

7 Indicators for monitoring

Ongoing monitoring of the implementation will be done using the specific indicators in the action plan. As required by NEMA, annual EIP compliance reports will be compiled and submitted to the Committee for Environmental Committee (national) for scrutiny and approval. The PCEC will be responsible for the compilation and approval of these reports at provincial level.

8 Conclusions and recommendations

It is recommended that the EIP must be utilised to achieve co-operative environmental governance within the province and to avoid all environmental-related conflicts between the organs of state in the spirit of co-operative governance.

The EIP must be fully integrated within all departments in the province and active participation by all departments must be ensured through the PCEC. Departments must also consider providing the necessary resources (human and financial) towards proper environmental management. This will ensure that environmentally-related delays are avoided and service delivery is enhanced.

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LIST OF ABBREVIATIONS

CEC:	Committee for Environmental Coordination
DEAT:	Department of Environmental Affairs and Tourism
DED:	Department of Economic Development
DLA:	Department of Land Affairs
DAEA:	Department of Agriculture and Environmental Affairs
DLGTA:	Department of Local Government and Traditional Affairs
DWAF:	Department of Water Affairs and Forestry
ECA:	Environment Conservation Act (Act 73 of 1989)
EIA:	Environmental Impact Assessment
EMF:	Environmental Management Framework
DFA:	Development Facilitation Act (Act 67 of 1995)
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
MEC:	Member of Executive Council
MOU:	Memorandum of Understanding
NDA:	National Department of Agriculture
NEMA:	National Environmental Management Act (Act 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:

Term	Definition
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.
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).
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).
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 – <ul style="list-style-type: none"> □ 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.
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.
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

1. INTRODUCTION

Co-operative Environmental Governance

The National Environmental Management Act (NEMA) Act No. 107 of 1998 was promulgated to give effect to co-operative environmental governance. The primary objective of the NEMA as reflected in the preamble is to provide for "*co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state*". The legislation seeks to promote co-operative environmental governance through the provision of the following:

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

Procedures to facilitate co-operative environmental governance are specified in Chapter 3 of NEMA through a system of Environmental Implementation Plans (EIPs) and Environmental Management Plans (EMPs). These plans aim to contribute to the overall vision of the Republic of South Africa, of a society in harmony with its environment by providing mechanisms to coordinate and harmonise activities and functions that may affect the environment.

1.1 Requirement to compile EIP's and EMP's

The NEMA requires every national department that is regarded to have functions that affect the environment and every province to prepare an EIP. Every national department defined as exercising functions that involve the management of the environment must prepare an EMP. Both EIPs and EMPs must be prepared within one year after the promulgation of the Act and every four years thereafter. The first EIP for province of KwaZulu-Natal was gazetted in July 2004. The Second Edition EIP seeks to review the First Edition EIP as required by legislation.

1.2 Purpose and objectives of EIPs

The functions of EIPs, in terms Section 12 of NEMA are as follows:

- co-ordinate and harmonise the environmental policies, plans, programmes and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion, and protection of sustainable environment, and of provincial and local spheres of government, in order to:

- i) minimise the duplication of procedures and functions, and
 - ii) promote consistency in the exercise of functions that may affect the environment;
- Give effect to the principle of co-operative governance;
 - Secure the protection of the environment across the country as a whole;
 - Prevent unreasonable actions by the provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole;
 - Enable the Minister to monitor the achievement, promotion, and protection of sustainable environment; and
 - Ensure the alignment of policies and procedures related to the environment at national, provincial and local authority levels of government.

1. 3 Content of EIPs

An EIP must, in terms of Section 13 of NEMA, have the following content:

- A description of policies, plans and programmes that may significantly affect the environment;
- A description of the manner in which the relevant national department or province will ensure that the policies, plans and programmes referred to in paragraph (a) will comply with the principles set out in section 2 as well as any national norms and standards as envisaged under section 146(2)(b)(i) of the Constitution and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment;
- A description of the manner in which the relevant national department or province will ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions, including the principles set out in section 2, and any national norms and standards envisaged under section 146(2)(b)(i) of the Constitution and set out by the Minister, or by any other Minister, which have as their objective the achievement, promotion, and protection of the environment; and
- Recommendations for the promotion of the objectives and plans for the implementation of the procedures and regulations referred to in Chapter 5 of the Constitution.

1. 4 Approval and gazetting of EIPs

In terms of Section 15 of NEMA, draft EIPs must be submitted to the CEC for approval. Should the CEC recommend adoption of the EIP, then the relevant organ of state must adopt that plan and publish it in a government gazette within 90 days of its approval. The plan becomes effective from the date when it is gazetted.

1.5 Preparation and Compilation of the KwaZulu-Natal Second Edition EIP

The following steps were followed in compilation of the Second Edition EIP:

- A meeting was held with the Office of the Premier to introduce the process and request for support in the review process;
- Letters introducing the process were sent out to the relevant Provincial Head of Departments also requesting for the nomination on departmental environmental champions;
- A workshop was conducted for the Office of the Premier to provide detailed background information about the review process;
- A provincial stakeholder consultation workshop was conducted to provide background information to various representatives from government departments, relevant public entities and other stakeholders. The workshop was also used to solicit comments and suggestions on the drafting of the Second Edition EIP;
- Questionnaires in a form of templates were distributed to all sector departments for input;
- One-on-one contact sessions and telephonic interviews were conducted with relevant sector departments and public entities;
- The second provincial stakeholder consultation workshop was conducted to present the final draft and to solicit the final inputs;
- Final draft was presented to the Governance and Administration Cluster for consideration;
- Furthermore, the final draft was tabled before the National Committee for Environmental Co-ordination for comments and approval.

1.6 Reference framework for the Second Edition EIP

In terms of NEMA, every EIP must contain a description of policies, plans and programmes that may significantly affect the environment as well as the description of the manner in which the province will ensure that the said policies, plans and programmes will comply with the principles of NEMA. A description of the principles is provided in Annexure 1.

1.7 Provincial environmental issues and indicators

The environmental pressures or issues, being experienced in the province have been used as an indication of how the environment is being managed. This information is used to identify environmental governance issues around which relevant environmental stakeholders need to co-operate. The EIP process does not focus on the state of the environment, but on the state of environmental governance, its successful relationships and interactions, and effective mechanisms and processes that will contribute in ensuring a healthy state of the environment as envisaged in the Constitution.

In Section 4, a review of provincial functions and activities is provided through the identification of various activities conducted by provincial and certain national departments within the provincial administration. For each department relevant environmental indicators will be identified with the aim of highlighting the department's potential on environmental impact and responsibility for appropriate environmental impact management. This will also highlight the need for each department's participation in environmental co-operative governance. To identify relevant environmental indicators for each department, the following sets of indicators compiled by the Department of Environmental Affairs and Tourism will be used:

- i. Environmental Indicators for National State of the Environment, 2004
- ii. Headline Indicators for South Africa, 2006

SECTION 2

MANDATES AND FUNCTIONS IN THE PROVINCE

2.1 Introduction

The aim of this chapter is to provide a strategic review of the framework for environmental governance in the province of KZN. The 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. Furthermore, the aim of this chapter is to show that, within the province, the system for environmental management is driven by various role players, some of which impact on the environment, and others are involved in the management of the environment. The Cooperation of the various role players on environmental issues is vital in achieving sustainable development within the province.

2.2 Functional areas of competence with environmental relevance

The governance landscape of KwaZulu-Natal reflects the three spheres of government introduced by the Constitution of the Republic of South Africa ACT 108 of 1996. 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 1:

Table 1: 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 portable 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*

2.3 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 report 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 is therefore imperative. reN

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 Minerals and Energy.
- Department of Trade and Industry; and
- Department of Water Affairs and Forestry;

Wherever possible, these national plans have been forwarded to relevant provincial counterparts for consideration in contributing to the compilation of the provincial EIP. This was also done to ensure consistency between commitments made by national departments and those by their provincial/regional counterparts with respect to environmental cooperative governance.

2.4 Provincial government in KwaZulu-Natal

The KwaZulu-Natal Provincial Growth and Development Strategy (PGDS) plays a significant strategic role to guide, focus and to premise investments for social, economic, infrastructural and institutional development. It is a long-term view of the provinces development trajectory. The PGDS is administered from the Office of the Premier and provides the broad framework within which the policies, programmes and plans of the various provincial departments take direction.

2.4.1 Provincial priorities

The six provincial policy priorities adopted by the Provincial Government and Cabinet and endorsed by the provincial strategic framework are as follows:

- Strengthening governance and service delivery (Good Governance);
- Integrated investment in community infrastructure;
- Promote sustainable economic development and job creation;
- Develop human capability;
- Develop a comprehensive provincial response to HIV/AIDS ; and
- Fight poverty and protect vulnerable groups in society.

The provincial government intends to achieve its strategic objectives through 16 departments. The policy and legal mandates of departments selected for this edition of EIP are described in section 4.

The provincial government comprises of the following departments:

1. Office of the Premier
2. Provincial parliament
3. Agriculture and Environmental Affairs
4. Economic Development
5. Arts, culture and Tourism
6. Education
7. Provincial Treasury
8. Health
9. Housing
10. Safety and Security
11. Royal Household
12. Local Government and Traditional Affairs
13. Transport
14. Welfare and Population Development
15. Works
16. Sports and Recreation

In addition, other public entities and independent agencies established under provincial and national laws play an important role in cooperative environmental governance. Non-governmental organisations and private sector bodies are also critical in achieving cooperative environmental governance and sustainable development. These organizations and agencies assist the province to implement its functions and to meet its strategic requirements in support of the PGDS. Table 2 below provides some examples of these organisations / agencies.

Table 2: Other environmental governance role players

Role player	Contribution to cooperative environmental governance
Ezemvelo KwaZulu-Natal 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	Protection of beach users in KwaZulu-Natal against shark attack through research and promotion of sharks conservation
Ithala Development Finance Corporation	Support and financing of infrastructural, industrial and commercial development
Dube Trade Port Corporation (PTY) LTD	Strategic planning, designing, construction and operation of the Dube Trade Port as well as other related projects
Provincial Planning and Development Commission	Undertake research and formulate policies to facilitate and encourage planning practices consistent with the provincial priorities.
Trade and Investment KwaZulu-Natal	Promote the province as an investment destination and promote trade by assisting KZN based companies to identify markets and export their products.

2.5 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).

2.5.1 Implementation of environmental governance in local government sphere

The IDP is the key strategic document that guides all development activities within each municipality. Provincial and District IDP Forums have been established to coordinate and align all IDPs in the province through a process of review. In 2005, the President's Coordinating Council resolved that more hands on support to Local Government was needed from Sector departments. These departments must reflect concrete support actions to municipalities in their strategic and business plans, and they should streamline their operations and provide appropriate resources to support local government. To this end, the Department of Agriculture and Environmental Affairs has been participating in the national and provincial IDP reviews. The reviews provide a mechanism for cooperative governance in the province. Through these reviews recommendations are made towards assisting municipalities to incorporate environmental sustainability issues in the IDP's. 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. To cater for this, a specific action to ensure this alignment and integration has been included in the action plan. The use of other intergovernmental structures as set out in the Intergovernmental Relations Framework Act No.13 of 2005 will also be explored in dealing with environmental cooperative governance issues relating to local government.

The Constitution of the Republic of South Africa recognises the role of traditional leadership as an institution at local level. Several national and provincial policies and legislation recognise the institution of traditional leadership as well as its roles and functions within the governance landscape in South Africa. These include the KwaZulu Amakhosi and Iziphakanyiswa Act, Act 9 of 1990; the KwaZulu-Natal House of Traditional Leaders Act, Act 7 of 1994; the KwaZulu Ingonyama Trust Act, Act 3 of 1994; the White Paper on Traditional Leadership and Governance, July 2003 and the Traditional Leadership and Governance Framework Act, Act 41 of 2003. Through the Department of Local Government and Traditional Affairs, the involvement and participation of traditional leaders in environmental governance will be clarified and ensured.

Table 3: Local government in KwaZulu-Natal

Structure	Functions
One Metro, 10 District Municipalities 50 Local Municipalities.	<ul style="list-style-type: none"> <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: <ul style="list-style-type: none"> <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.
Traditional Councils	<ul style="list-style-type: none"> <input type="checkbox"/> Recommending, after consultation with the relevant local and provincial houses of traditional leaders appropriate interventions to government that will contribute to development and service delivery within the area of jurisdiction of the traditional council; <input type="checkbox"/> Participating in the development of policy and legislation at local level <input type="checkbox"/> Participating in development programmes of municipalities and of the 50 provincial and national spheres of government; <input type="checkbox"/> Promoting the ideals of co-operative governance, integrated development planning, sustainable development and service delivery; <input type="checkbox"/> Promoting indigenous knowledge systems for sustainable development <input type="checkbox"/> Contributing to disaster management in general

SECTION 3

INSTITUTIONAL ARRANGEMENTS

3.1 Introduction

This section outlines the institutional relationships, with respect to environmental management, between the relevant provincial departments, national departments and their regional offices, organs of state and other relevant stakeholders.

3.2 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:
 - MinTech Working Group: Conservation and Biodiversity.
 - MinTech Working Group: Environmental Impact Management and Pollution and Waste.
 - 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:
 - CEC sub-committee: Environmental Law Reform.
 - CEC sub-committee: Environmental Implementation/Management Plans.

3.3 Coordination mechanisms within the province

Formal coordination between provincial departments on environmental matters is limited through the structures as indicated in Table 4. More details are included in the table below:

Table 4: Provincial institutional arrangements, with respect to the environment.

Institution / Structure	Objective
Coastal Working Group	Coordinate and promote discussion in respect to integrated coastal management, chaired by DAEA.
DWAF Provincial Liaison Committee	Coordinate water development projects and waste disposal; chaired by DWAF.
DWAF SFRA LAAC	Coordination and assessment of water use licensing; chaired by DWAF.
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&LGA.
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.
Medical Waste Forum	Develop provincial government's position on medical waste disposal, chaired by DAEA
Regional Mining Development and environmental Committee	Coordinate & facilitate discussions around mining management matters; chaired by DME.
Provincial Growth & Development Strategy Task Team	Coordinate the development and implementation of the PGDS through work groups
Provincial IDP Forum	Convened by DT&LGA to coordinate and align all IDPs

Provincial Committee	LA 21 Steering	Coordinated by the DT&LGA as an interdepartmental forum to promote the integration of LA 21 into provincial planning
Departmental Working Group (DEWC)	Environmental	Intergovernmental Forum dealing with contentious EIA applications

Co-ordination mechanisms with local government

The co-ordination with the Local Authorities is sector or issues based. Important structures for co-ordination with local authorities include structures such as the IDP Forums established in terms of the Intergovernmental Relations Framework Act, 2005.

SECTION 4

REVIEW OF PROVINCIAL FUNCTIONS AND ACTIVITIES

4.1 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. In this section various functions as exercised by the provincial departments and other role players are examined with the aim of highlighting environmental governance issues and responsibilities. Selected national departments exercising environmental-related functions within the province through regional offices will also be explored. These include:

- 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;

4.2 Pressing environmental issues in KwaZulu-Natal include:

- xii. Poor ambient air quality
- xiii. Unsustainable use of natural resources
- xiv. Loss of biodiversity
- xv. Soil loss
- xvi. Poor protection of marine species
- xvii. Coastal erosion
- xviii. Poor wetland management
- xix. Poor water quality
- xx. Lack of proper sanitation
- xxi. Unsustainable energy use
- xxii. Poor waste management

4.3 Analysis of selected priority functions and activities

Provincial functions must be exercised to ensure compliance with the relevant legal provisions, NEMA principles and Norms & 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 & 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 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.
- 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.
- Environment-related 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.
- 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.
- The manner in which NEMA principles are complied with: This section reports on the state of compliance to the listed provisions, as well as on arrangements for cooperative environmental governance and environmental management.

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 Minerals and Energy 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.

4.4 Provincial departments

Table 5: DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS- AGRICULTURE

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
<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"/> Land Affairs, and Water Affairs & Forestry. <input type="checkbox"/> Provincial departments of Health, Works, Traditional & Local Government Affairs <input type="checkbox"/> Local municipalities and district councils. <input type="checkbox"/> Ezemvelo KZN Wildlife.	National White Paper on Agriculture Animal Disease Act (Act No 35 of 1984) Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No 36 of 1947) Conservation of Agricultural Resources Act (Act No 43 of 1983) State Veterinary Policy for KwaZulu-Natal
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
National Environmental Management Act No. 107 of 1998 Environment Conservation Act No. 73 of 1989 ECA EIA Regulations (1997) National Water Act No. 36 of 1998 KwaZulu-Natal Nature Conservation Management Amendment Act (Act No 5 of 1999) Nature Conservation Ordinance 15 of 1974 National Forest Act No. 84 of 1998 Subdivision of Agricultural Land Act (Act No 70 of 1970) Agricultural Pests Act (Act No 36 of 1983) Plant Improvement Act (Act 53 of 1976) Genetically Modified Organisms Act (Act No 15 of 1997) (and regulations) Meat Safety Act (Act No 40 of 2000) Hazardous Substances Act No. 15 of 1973	<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. <input type="checkbox"/> The development approval process for abattoirs is aligned with the EIA Regulations. <input type="checkbox"/> Pre-application screening checklist for applications to break virgin soils, has been developed. <input type="checkbox"/> Alignment of the CARA application process and the EIA process is being developed, although no formal arrangements exist. <input type="checkbox"/> The development of a screening checklist for the application of abattoirs has improved cooperation between Veterinary Health, DLGTA & DAEA. <input type="checkbox"/> Applications for subdivision of agricultural land are circulated to relevant departments, including DAEA, 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"/> 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.	
PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE	RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT	
<input type="checkbox"/> Limited cooperation between agriculture & CD Environment <input type="checkbox"/> Lack of policy guidelines for the use of sensitive veld types <input type="checkbox"/> Limited awareness of environmental obligations for agricultural development projects (farming community)	<input type="checkbox"/> Formal arrangements for the aligning of the CARA application process and the EIA application process must be established through development of a protocol. <input type="checkbox"/> Regional technical working groups should include environmental representatives. <input type="checkbox"/> Procedures and mechanisms must be developed to address agricultural development in sensitive environments. <input type="checkbox"/> Protocols and guidelines for Abattoir and Agricultural development applications to be addressed. <input type="checkbox"/> Intradepartmental coordinating mechanisms must be put in place (agriculture and environment). EIA awareness programme for key officials dealing with agricultural projects	

Table 6: DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS- Environmental Management

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
<ul style="list-style-type: none"> <input type="checkbox"/> Strategic Environmental Planning <input type="checkbox"/> Pollution and waste Management <input type="checkbox"/> Air Quality and Climate Change <input type="checkbox"/> Advisory services and Empowerment <input type="checkbox"/> Compliance Monitoring and Enforcement <input type="checkbox"/> Coastal Management <input type="checkbox"/> Environmental Impact Assessment 	<ul style="list-style-type: none"> <input type="checkbox"/> <u>National Departments</u> of Environmental Affairs & Tourism, Water Affairs & Forestry, Land Affairs, Public Works, Trade & Industry, Minerals & Energy <input type="checkbox"/> <u>Provincial Departments</u> of the Premier, Traditional & Local Government Affairs, Health, Education, Transport, Economic Development & Tourism, Works, Housing. <input type="checkbox"/> Municipalities and Tribal authorities <input type="checkbox"/> EKZN Wildlife <input type="checkbox"/> Amafa aKwaZulu-Natali <input type="checkbox"/> KZN Tourism Authority <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 & Regional Planning Commission <input type="checkbox"/> National Ports Authority <input type="checkbox"/> 	<p>National Environmental Management Act No. 107 of 1998 and the Specific Environmental Management Acts</p> <p>NEMA EIA Regulations (2006)</p> <p>Sea shore Act No. 21 of 1935</p> <p>Mountain Catchment Areas Act No. 63 of 1970</p> <p>National Environmental Management Act (Act 107 of 1998) - Regulations for the control of vehicles in the coastal zone</p> <p>White Paper on Environmental Management Policy (1998)</p> <p>White Paper on Sustainable Coastal Development in South Africa (2000)</p> <p>White Paper on the Conservation and sustainable use of SA biological diversity</p> <p>White Paper on Integrated Pollution & Waste Management for South Africa (2000)</p> <p>National Waste Management Strategy</p> <p>KwaZulu Nature Conservation Act No. 29 of 1992</p> <p>KwaZulu-Natal Conservation Management Act 9 of 1997</p> <p>Nature Conservation Ordinance No. 15 of 1974</p> <p>International Conventions, Protocols and Mandates</p>
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
<p>Development Facilitation Act No. 67 of 1995</p> <p>National Water Act No. 36 of 1998</p> <p>Conservation of Agricultural Resources Act No. 43 of 1983</p> <p>Minerals Act No. 50 of 1991</p> <p>Hazardous Substances Act No. 15 of 1973</p> <p>Marine Living Resources Act 18 of 1998</p> <p>Genetically Modified Organisms Act (Act No 15 of 1997) (and regulations)</p> <p>Nuclear Energy Act No. 46 of 1999</p> <p>Subdivision of Agricultural Land Act 70 of 1970</p> <p>Less Formal Township Establishment Act 113 of 1991</p> <p>KwaZulu-Natal Heritage Act No. 10 of 1997</p> <p>KwaZulu-Natal Planning and Development Act No. 5 of 1998</p> <p>KwaZulu Land Affairs Act No. 11 of 1992</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The establishment of norms, standards and impact assessment criteria to ensure constant, efficient and effective decision making. <input type="checkbox"/> Provincial Coastal Committee & specific sub-committees formed to deal with coastal management issues. <input type="checkbox"/> Streamlined application procedures and minimum information requirements are being developed for specific types of activities, with specific emphasis on socio-economic upliftment & development. <input type="checkbox"/> Consultative liaison and advisory conferences, workshops, and working groups established with relevant role players. <input type="checkbox"/> Investigations implemented to align the DWAF & DAEA application procedure, for afforestation. <input type="checkbox"/> Establishment of a dedicated Air Quality and Climate Change component within Pollution & Waste management, to implement the NEMA: Air Quality Act. <input type="checkbox"/> Expansion of Environmental Services at a regional and district level, with five components (advisory services/ environmental education, pollution and waste/ air quality & climate change, municipal support/environmental planning, impact assessment, compliance monitoring and enforcement) <input type="checkbox"/> Establishment of the Provincial Committee for Environmental Coordination <input type="checkbox"/> Designation of Environmental Management Inspectors <input type="checkbox"/> Transparency and information sharing promoted through the production of Ulwandle (Provincial coastal Committee Newsletter). Serving on National, Provincial and Local management & advisory committees <input type="checkbox"/> NEMA principles and Coastal Management Principles are promoted, through the application of the NEMA EIA Regulations. 	
PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE	RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT	
<ul style="list-style-type: none"> <input type="checkbox"/> Lack of capacity <input type="checkbox"/> Insufficient environmental coordinating structures in the province 	<ul style="list-style-type: none"> <input type="checkbox"/> Set up and Environmental Information Management System to promote access to information and improve decision-making. <input type="checkbox"/> Streamlining of procedures in respect of integrated coastal management. <input type="checkbox"/> Enter into cooperation agreements with relevant stakeholders including EKZNW 	

<ul style="list-style-type: none"><input type="checkbox"/> Budgetary constraints<input type="checkbox"/> Lack of cooperation from relevant stakeholders<input type="checkbox"/> Poor profiling of environmental management and its importance in the development agenda<input type="checkbox"/> Lack of awareness of environmental issues	<ul style="list-style-type: none"><input type="checkbox"/> 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.<input type="checkbox"/> Preparation of user friendly guidelines for implementation of NEMA principles<input type="checkbox"/> Design and implement tailor-made environmental awareness programmes for various departments and stakeholders with the province
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Table 7: EZEMVELO KWAZULU-NATAL WILDLIFE

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
<ul style="list-style-type: none"> <input type="checkbox"/> To maintain and improve effective management of the proclaimed network of protected areas; <input type="checkbox"/> To conserve representative samples of indigenous biodiversity (species and ecosystems) in perpetuity; <input type="checkbox"/> To prevent and mitigate most important direct threats to biodiversity; <input type="checkbox"/> To ensure that the use of biodiversity resources are used sustainably; <input type="checkbox"/> To protect and improve status of threatened and protected species and ecosystems; <input type="checkbox"/> To ensure legal instruments for protection of KZN's biodiversity is in place; <input type="checkbox"/> To demonstrate the value of environmental good and services provided by protected areas and biodiversity in KwaZulu-Natal; <input type="checkbox"/> To develop and maintain strategic alliances with relevant stakeholders; <input type="checkbox"/> To develop ecotourism facilities within Ezemvelo KZN Wildlife managed protected areas; 	<p><u>National Departments</u> Agriculture Arts and Culture Defence Environmental Affairs & Tourism (DEAT) Isimangaliso Wetland Park Authority (DEAT) Marine and Coastal Management (DEAT) Finance (Treasury) Land Affairs Minerals and Energy Affairs Public Works Water Affairs & Forestry Public Works</p> <p><u>Provincial Government</u> Agriculture & Environmental Affairs Economic Development & Tourism Traditional & Local Government Affairs</p> <p><u>Local Government</u> Municipalities & District councils Durban, Umsunduzi and Umhlathuze</p> <p><u>Parastatals/other</u> Amafa CSIR iSimangaliso Wetland Park Authority KZN Tourism Authority Natal Sharks Board National Ports Authority Oceanographic Research Institute Private and Communal landowners Relevant biodiversity-use Associations Relevant NGO's Town & Regional Planning Commission</p>	KZN Nature Conservation Management Act No 9 of 1997 Natal Nature Conservation Ordinance 15 of 1974 NEMA: Biodiversity Act No 10 of 2004 NEMA: Protected Areas Act NEMBA Threatened and Protected Species Regulations Marine Living Resources Act No 18 of 1998 Public Finance Management Act World Heritage Convention Act 49 of 1999 SA White Paper on Sustainable Coastal Development 2000 White Paper on the Conservation and sustainable use of SA biological diversity International Conventions, Protocols and Mandates
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
Animal Health Act 7 of 2002 Animals Protection Act 71 of 1962 Conservation Of Agricultural Resources Act 43 of 1983 Environment Conservation Act No. 73 of 1989	<ul style="list-style-type: none"> <input type="checkbox"/> The development of good environmental data sets is providing input into the promotion of sustainable terrestrial, marine and coastal development. <input type="checkbox"/> Provision of comment with regard to biodiversity impact of development applications <input type="checkbox"/> Development of district municipal BIOREGIONAL PLANS to ensure biodiversity requirements are included in planning 	

<p>KwaZulu-Natal Heritage Act No. 10 of 1997 Local Government: Municipal Property Rates Act 6 Of 2004 Local Government: Municipal Systems Act 32 of 2000 Marine Living Resources Act 18 of 1998 Mineral and Petroleum Resources Development Act 28 of 2002 National Environmental Management Act No. 107 of 1998 National Forests Act 84 of 1998 National Water Act 36 of 1998 National Water Act No. 36 of 1998 Performing Animals Protection Act 24 of 1935 Public Finance Management Act 1 of 1999 Restitution Of Land Rights Act 22 of 1994 Sea Shore Act No. 21 of 1935</p>	<p>processes and decisions of all organs of state</p> <ul style="list-style-type: none"> <input type="checkbox"/> Development (and adoption by MEC) of a Provincial Biodiversity Framework that identifies and communicates sensitive biodiversity and requirements to meet conservation targets <input type="checkbox"/> Contribution of and review of biodiversity component in the Integrated Development Plans for local municipalities <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. <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. <input type="checkbox"/> The establishment of procedures and processes of local communities and private landowners to exercise their rights to have important biodiversity conserved <input type="checkbox"/> To publish systematic conservation plans for the province for conservation of biodiversity as well as social and economic decision making. <input type="checkbox"/> Co-management approach to the control of the use of marine living resources, promotes equitable resource utilization and environmental justice. <input type="checkbox"/> Establishment of a framework that will enable access of local communities and private landowners to legislation governing the establishment of protected areas (Stewardship). <input type="checkbox"/> Endemic, rare or endangered coastal species and ecosystems have been identified in the provincial Biodiversity Conservation Framework <input type="checkbox"/> Contribution to development of Integrated Management Plan for the iSimangaliso Wetland Park to ensure the protection of ecological integrity and biodiversity. <input type="checkbox"/> Develop and have adopted the Integrated Development Management Plan for the uKhahlamba-Drakensberg Park World Heritage Site <input type="checkbox"/> Serving on National, Provincial and Local management & advisory committees.
<p>PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE</p>	<p>RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT</p>
<ul style="list-style-type: none"> <input type="checkbox"/> Poor / lack of definition of roles between EKZNW and other environment stakeholders with respect to management of certain aspects of the environment 	<ul style="list-style-type: none"> <input type="checkbox"/> E Development of, and implementation of district municipal Bioregional Plans for use by organs of state and other decision makers. To be developed in consultation with municipalities, other organs of state and stakeholders (NGOs) <input type="checkbox"/> Establishment of a clear mandate on the administrative functions that relate to indigenous forest conservation between DWAF, DAEA and EKZN Wildlife <input type="checkbox"/> Establishment of a clear mandate determination between the functions of the Coastal Management Unit of the DAEA and the coastal, estuarine and marine functions of EKZN Wildlife <input type="checkbox"/> Establishment of a clear mandate on the administrative functions that relate to the conservation of important biodiversity and important agricultural resources between Dept of Agriculture, DAEA and EKZN Wildlife <input type="checkbox"/> Establishment of a co-operative agreement, in terms of the Intergovernmental Relations Framework Act 13 of 2005, with the DAEA regarding the protection of biologically sensitive or important areas that may be identified within the environmental impact assessment process. <input type="checkbox"/> Establishment of a co-operative agreement, in terms of the Intergovernmental Relations Framework Act 13 of 2005, with the Department of Mineral and Energy Affairs regarding the extraction of mineral resources from biologically sensitive or important areas <input type="checkbox"/> Collaboration with local municipalities to contribute to the review of Integrated Development Plans, with regard to biodiversity needs and identification of sensitive areas <input type="checkbox"/> Co-operation and agreement with regard to policies for marine and estuarine small scale fisheries (artisanal and subsistence) and the implementation of co-management arrangements and permitting, research and compliance to ensure sustainability.

Table 8: DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<ul style="list-style-type: none"> <input type="checkbox"/> Refocusing Local Government towards accelerated basic service delivery; <input type="checkbox"/> People focused, effective and efficient institutions <input type="checkbox"/> Building confidence of community in system of local governance <input type="checkbox"/> Align institution of Traditional Leadership within local governance <input type="checkbox"/> Alignment of Integrated Development Plans (IDP) and the Provincial Growth and Development Strategy (PGDS) 	<p>National</p> <ul style="list-style-type: none"> <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 <p>KZN Provincial</p> <ul style="list-style-type: none"> <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 <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"/> Department of Sports and Recreation <input type="checkbox"/> Department of Community Safety and Liaison <input type="checkbox"/> South African Local Government Association (SALGA) <input type="checkbox"/> Municipalities <input type="checkbox"/> Provincial Planning and Development Commission <input type="checkbox"/> Traditional Authorities <input type="checkbox"/> Non-governmental organisations 	<p>KwaZulu-Natal Development Planning Bill (to be promulgated in 2009)</p> <p>Local Government: Municipal Systems Act No. 32 of 2000</p> <p>Local Government: Municipal Structures Act No. 117 of 1998</p> <p>Municipal Demarcation Act No. 27 of 1998</p> <p>Development Facilitation Act No. 67 of 1995</p> <p>KwaZulu-Natal Provincial Growth and Development Strategy (PGDS)</p> <p>Provincial Spatial Economic Development Strategy (PSEDS)</p>
Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
<p>National Environmental Management Act No. 107 of 1998</p> <p>Environment Conservation Act No. 73 of 1989</p> <p>NEMA EIA Regulations (2006)</p> <p>National Water Act No. 36 of 1998</p> <p>Development Facilitation Act No. 67 of 1995</p> <p>National Water Act No. 36 of 1998</p> <p>Conservation of Agricultural Resources act (Act No. 43 of 1983)</p> <p>KwaZulu-Natal Heritage Act (Act No. 10 of 1997)</p> <p>Less Formal Townships Act (Act No. 113 of 1991)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The Development Planning Information Management System has been operational since March 2003 <input type="checkbox"/> Annual assessment of spatial policies, legislation and practices <input type="checkbox"/> Environmental considerations included in DFA approvals. <input type="checkbox"/> Reporting: contribution to KZN Provincial Performance Report on Sustainable Development. <input type="checkbox"/> Convene Provincial GIS forum for integrated infrastructural planning. <input type="checkbox"/> Convene Provincial Monitoring and Evaluation Forum <input type="checkbox"/> All municipalities are to have access to the Land Use Management System which incorporates environmental issues <input type="checkbox"/> Municipality environmental capacity building strategy <input type="checkbox"/> All municipalities are to have access to the Land use Management System <input type="checkbox"/> Quarterly monitoring of municipalities (including environmental performance) <input type="checkbox"/> Provincial and municipal development information services and support <input type="checkbox"/> Participation, consultation and transparency central to Development administration process. <input type="checkbox"/> Ensure statutory compliance in development initiatives <input type="checkbox"/> Ongoing participation in development and planning forums <input type="checkbox"/> Collaboration with Provincial Growth and Development Strategy task team <input type="checkbox"/> 61 IDP,s reviewed against the Credible IDP Framework (environmental key performance areas included) 	

Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management
<ul style="list-style-type: none"> <input type="checkbox"/> Development pressures within municipalities (sometimes leading non-compliance with environmental legislation) <input type="checkbox"/> Limited awareness of environmental issues within municipalities and among traditional leaders <input type="checkbox"/> Political interference 	<ul style="list-style-type: none"> <input type="checkbox"/> Integration of EIP into the provincial IDP process to entrench environmental management into development planning <input type="checkbox"/> Integration of environmental sustainability issues into the IDP's <input type="checkbox"/> Entrenchment of environmental consideration through funding arrangements with municipalities e.g through the service level agreements <input type="checkbox"/>

Table 9: DEPARTMENT OF HEALTH

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<input type="checkbox"/> Hospital Systems Development <input type="checkbox"/> Environmental health <input type="checkbox"/> Pharmaceutical Systems Development <input type="checkbox"/> Forensic Pathology Services <input type="checkbox"/> Emergency Medical Rescue Services <input type="checkbox"/> Infrastructure Development <input type="checkbox"/> Occupational Health and Safety <input type="checkbox"/> Infection Prevention and Control	<input type="checkbox"/> Departments of Agriculture and Environmental Affairs, Water Affairs and Forestry, Labour, Transport. <input type="checkbox"/> SALGA, MRC, SABS, WHO, LSDI <input type="checkbox"/> Poison Working Group <input type="checkbox"/> Ezemvelo KZN Wildlife	Hazardous Substances Act, 1973 (Act 15 of 1973) National Health, 20093 (Act 61 of 2003)
Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
National Environmental Management Act, No. 107 of 1998 NEMA Regulations 2006 Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) Medicines and related substances Act, 1974 (Act 28 of 1974) Human Tissues Act, 1983 (Act 65 of 1983) Atmospheric Pollution Prevention Act, No. 45 of 1965	<input type="checkbox"/> The health programmes to combat communicable and non-communicable disease are examples of contributions to sustainable development. <input type="checkbox"/> The Department's environmental management plan is a major contribution to sustainable development. <input type="checkbox"/> The Food Monitoring Protocol has enhanced collaboration among all role-players in the food safety programme. <input type="checkbox"/> The Health Care Risk Waste Management Policy will improve medical waste management, raise awareness and advance the Integrated Pollution and Waste Management Strategy. <input type="checkbox"/> Environmental considerations are evident in the Health Care Risk Waste Management Policy; <input type="checkbox"/> Careful consideration of appropriate insecticides for malaria control; <input type="checkbox"/> Education programmes around cholera. <input type="checkbox"/> The Department runs community based educational events to promote awareness, participation and capacity development. <input type="checkbox"/> The malarial control programme, health and hygiene and sanitation and water quality programmes benefits primarily previously disadvantaged communities. <input type="checkbox"/> The impact of insecticides used in the malaria control programme on ecological integrity is monitored. <input type="checkbox"/> The Department has good relationships with the partner departments as detailed in the previous table. Closer cooperation with the KwaZulu-Natal Department of Agriculture and Environmental Affairs is being forged - particularly through the implementation of the Department's environmental management plan and Health Care Risk Waste Management Policy documents.	
Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management	
<input type="checkbox"/> No clearly delineated roles and responsibilities between key stakeholders <input type="checkbox"/> Challenges faced in the devolution of some services to the local sphere of government as prescribed in national legislation <input type="checkbox"/> Some public health programmes, e.g. malaria control programme, involve extensive use of substances that migrate, bio accumulate and persist in the environment; and if not properly handled, might be detrimental to human health <input type="checkbox"/> Lack of clear and proper coordination of services <input type="checkbox"/> Some principal national legislation are old and outdated	<input type="checkbox"/> Mechanisms for the strengthening of co-ordination and partnerships between relevant departments should be promoted. <input type="checkbox"/> The exchange of information between strategic partners must be facilitated to promote environmental management <input type="checkbox"/> Strengthening partnerships between all departments with respect to all policies administered by them will enhance coordination and prevent duplication. <input type="checkbox"/> Strengthening the partnership with the Department of Agriculture and Environmental Affairs with regard to health care risk waste management will reduce areas of duplication. <input type="checkbox"/> Facilitation of the implementation of the Department's environmental management plan, particularly support from the interested and affected parties will go a long way in ensuring cooperative environmental governance	

Table 10: DEPARTMENT OF HOUSING

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<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. 	<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 & Local Government Affairs <input type="checkbox"/> Eskom <input type="checkbox"/> Development Bank of South Africa 	<p>Housing Act No. 107 of 1997 and associated Amendment Acts National Housing Code Urban Development Framework (1997) Rural Development Framework (1997) Habitat Agenda (1996)</p>
Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
<p>National Environmental Management Act No. 107 of 1998 NEMA EIA Regulations (2006) Development Facilitation Act No. 67 of 1995 National Water Act No. 36 of 1998 Conservation of Agricultural Resources Act No. 43 of 1983 Atmospheric Pollution Prevention Act No. 45 of 1965 KwaZulu-Natal Heritage Act No. 10 of 1997 Natal Town Planning Ordinance No. 27 of 1949 White Paper on Water and Sanitation White Paper on Environmental Management Policy Green Paper on Development and Planning</p>	<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. <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"/> Inclusion of environmental considerations in housing legislation and policy. <input type="checkbox"/> The National Housing code identifies principles, strategies and processes for sustainable housing development. <input type="checkbox"/> The rural and urban development frameworks include the impacts of housing development on the environment <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. <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. <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. <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. <input type="checkbox"/> Guidelines for Human Settlement Planning and Design (known as the Red Book), includes provisions for environmentally sustainable settlement formation. <input type="checkbox"/> Environmentally Sound Low Cost Housing: Draft Guidelines for Implementation provides recommendations for energy and water efficient housing and for urban greening. <input type="checkbox"/> 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. <input type="checkbox"/> Provincial housing departments are passive participants in the IDP process. <input type="checkbox"/> The role of provincial housing departments in legislative processes, such as DFA and EIA, is uncertain. 	

Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management
<ul style="list-style-type: none"> <input type="checkbox"/> Capacity gaps are central to the inability of the Housing Department to achieve compliance with environmental legislative provisions and NEMA principles. <input type="checkbox"/> No arrangements exist between the DAEA and Housing to facilitate discussion around environmental management. No clear protocols or MoU's exist to ensure cooperative environmental governance. <p>No pre-application environmental screening checklist</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Protocol's and MoU's between relevant strategic partners need to be created. <input type="checkbox"/> The role and responsibilities of the Provincial department, and local authorities/developers, in the development and authorization processes needs to be defined. <input type="checkbox"/> The responsibility in terms of costs for undertaking mitigatory measures to minimize environmental impacts for housing developments needs to be clarified.

Table 11: DEPARTMENT OF ECONOMIC DEVELOPMENT

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<ul style="list-style-type: none"> <input type="checkbox"/> Investment in Economic Structure <input type="checkbox"/> Develop and promote SMMEs and social enterprises <input type="checkbox"/> Facilitate and promote BBBEE <input type="checkbox"/> Create a business environment conducive to the creation of sustainable jobs <input type="checkbox"/> Investment projects & promoting rural economic growth <input type="checkbox"/> Facilitate and promote integrated economic development planning <input type="checkbox"/> Facilitate trade and the inflow of Foreign Direct Investment <input type="checkbox"/> Drive sector development programmes and skills development 	<ul style="list-style-type: none"> <input type="checkbox"/> National Departments of- Treasury, Trade and Industry; Provincial and Local Government; Arts, Culture and Tourism; Agriculture; Land Affairs; Science and Technology. <input type="checkbox"/> Provincial Departments of Treasury; Traditional & Local Government Affairs, <input type="checkbox"/> Municipalities and Traditional Authorities. <input type="checkbox"/> Industry associations <input type="checkbox"/> Commercial Banks and financial institutions <input type="checkbox"/> Private Sector <input type="checkbox"/> Ithala development corporation <input type="checkbox"/> Chamber of Commerce 	<p>Reconstruction and Development Programme of 1994 Growth, Employment and Redistribution Macroeconomic Strategy Provincial Growth & Development Strategy Provincial Industrial Development Strategy Provincial Spatial Economic Development Strategy Local Economic Development Framework Integrated Development Plan Accelerated Shared Growth Initiative of South Africa National Spatial Development Plan Provincial Growth and Development Strategy</p>
<p>Environmental legislative provisions to be considered (Strategic Partners)</p>	<p>Compliance to NEMA principles</p>	
<p>National Environmental Management Act No. 107 of 1998 Environment Conservation Act No. 73 of 1989 ECA EIA Regulations (1997) Development Facilitation Act No. 67 of 1995 National Water Act No. 36 of 1998 Conservation of Agricultural Resources Act No. 43 of 1983 Atmospheric Pollution Prevention Act No. 45 of 1965 KwaZulu-Natal Heritage Act No. 10 of 1997 KwaZulu-Natal Land Affairs Act No. 11 of 1992 Natal Town Planning Ordinance No. 27 of 1949 Hazardous Substances Act No. 15 of 1973 Coastal legislation, policies etc (where applicable)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> SDI, PGDS and PSEDS guiding principles link with NEMA principles to promote sustainable development. <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 both internally & externally. <input type="checkbox"/> Promotion of SMMEs and social enterprises (co-operatives) to facilitate empowerment. <input type="checkbox"/> KwaZulu-Natal Economic Council promotes co-ordination between businesses, 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 <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 <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. <input type="checkbox"/> Strengthening compliance with NEMA principles for sustainable environmental development <p>Facilitation of strategic stakeholder partnerships in the development of the provincial economy</p>	
<p>Problems and constraints in achieving compliance</p>	<p>Recommendations for cooperative environmental governance and environmental management</p>	
<ul style="list-style-type: none"> <input type="checkbox"/> Existing arrangements and activities contributing to cooperative environmental governance and environmental management are limited. <input type="checkbox"/> No arrangements exist between the DAEA and DED to facilitate discussions around environmental management. 	<p>The DAEA must assist the DED to participate in the EIP process and complete the table information for 2008 reporting.</p>	

Table 12: DEPARTMENT OF ARTS, CULTURE AND TOURISM

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
<input type="checkbox"/> To promote respect for cultural diversity and the advancement of artistic disciplines into viable industries. <input type="checkbox"/> To develop and implement an effective stakeholder management strategy. <input type="checkbox"/> To create and monitor a public entity management framework. <input type="checkbox"/> To provide library and information services which, are free, equitable and accessible, provide for the information, reading and learning needs of people to promote a culture of reading, library usage and lifelong learning.	<input type="checkbox"/> DWAF <input type="checkbox"/> NDA <input type="checkbox"/> DAEA <input type="checkbox"/> Department of Local and Traditional Affairs <input type="checkbox"/> District Municipalities <input type="checkbox"/> EKZNV	Culture Promotion Act No. 35 of 1983 Cultural Affairs Act No. 65 of 1989 South African Geographical Council Act National Language Policy Framework, 2003 Pan South African Language Board (PANSALB) Act No. 59 of 1995 KwaZulu-Natal Parliamentary Official Languages Act No. 10 of 1998 KwaZulu Archives Act No. 12 of 1992 KwaZulu Library Act No. 18 of 1980 Tourism Act No. 72 of 1993 Natal Sharks Board Ordinance No. 10 of 1964 KwaZulu-Natal Tourism Act No. 2 of 2002 Intergovernmental Relations Framework Act No. 13 of 2005 Public Finance Management Act of 1999 Labour Relations Act of 1999 Public Service Act of 1994 Employment Equity Act of 1999 Preferential Procurement Framework Act of 2000
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
National Environmental Management Act (Act No. 107 of 1998) Environmental Conservation Act (Act No. 73 of 1989) White paper on Environmental Management Policy (1998) White paper on Integrated Pollution and Waste Management for South Africa (2000) National Waste Management Strategy KwaZulu-Natal Conservation Act (Act No. 29 of 1992) Nature Conservation Ordinance No. 15 of 1974		
PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE	RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT	
<input type="checkbox"/> Lack of awareness of environmental issues	<input type="checkbox"/> DAEA to assist in increasing awareness of environmental issues and environment-related legal issues	

Table 13: DEPARTMENT OF TRANSPORT

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<input type="checkbox"/> Maintenance of roads and road infrastructure <input type="checkbox"/> Upgrading of roads and road infrastructure <input type="checkbox"/> Planning and construction of new roads and bridges	<input type="checkbox"/> Department of Agriculture and Environmental Affairs <input type="checkbox"/> Department of Water Affairs and Forestry <input type="checkbox"/> KZN Wildlife <input type="checkbox"/> Department of Minerals and Energy <input type="checkbox"/> Department of Traditional Affairs and Local Government <input type="checkbox"/> District Councils and municipalities <input type="checkbox"/> Community Structures	KZN Provincial Roads Act (Act 4, 2001) KZN Provincial Roads Act Regulations National Land Transport Transition Act (Act 22, 2000) KZN Road Traffic Act (Act 7, 1997)
Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
<input type="checkbox"/> National Environmental Management Act (Act 107, 1998) <input type="checkbox"/> National Environmental Management Act Regulations	<input type="checkbox"/> Plan and execute road and road infrastructure maintenance and upgrading projects in ways that are socially, environmentally and economically sustainable. <input type="checkbox"/> The use natural road building materials is done in a responsible manner recognizing that they are non-renewable resources. <input type="checkbox"/> The negative impacts of departmental activities on the environment are minimised and/or remedied. <input type="checkbox"/> The department consults and interacts with relevant government departments and community organizations in ensuring that its policies and procedures do not adversely affect the environment.	
Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management	
<input type="checkbox"/> Capacity constrains in ensuring that contractors employed by the department comply with environmental management plans. <input type="checkbox"/> Lack of clarity between the roles played by the departments of Minerals and Energy and Agriculture and Environmental Affairs in environmental management. <input type="checkbox"/> Conflicting objectives of infrastructure provision and environmental considerations in a developmental state.	<input type="checkbox"/> Department should put in place a process to ensure better interactions between the Departments of Minerals and Energy and DAEA. <input type="checkbox"/> Limited provincial coordination in infrastructure planning. <input type="checkbox"/> Improve land use planning efforts between municipalities and DAEA.	

Table 14: DEPARTMENT OF SPORT AND RECREATION

Focus area of analysis	Strategic partners	Policy & Legislative Provision
<ul style="list-style-type: none"> <input type="checkbox"/> To ensure that sport and recreation is accessible to all of the people of KwaZulu-Natal, especially previously disadvantaged people, rural communities, the disabled and women <input type="checkbox"/> To co-ordinate co-operative governance and the involvement of stakeholders to ensure alignment with the provincial sport and recreation policy <input type="checkbox"/> To implement sport and recreation policy and provide funding for sport and recreation agencies in the province <input type="checkbox"/> To host and co-host major provincial, national and international sporting events <input type="checkbox"/> To accelerate the delivery of sport and recreation in the province through mass participation of the citizens in KwaZulu-Natal <input type="checkbox"/> To achieve excellence in sport and recreation 	<ul style="list-style-type: none"> <input type="checkbox"/> DAEA <input type="checkbox"/> Department of Local and Traditional Affairs <input type="checkbox"/> District Municipalities <input type="checkbox"/> Department of Education <input type="checkbox"/> Department of Health <input type="checkbox"/> Department of Transport <input type="checkbox"/> Department of Public Works <input type="checkbox"/> Department of Community, Safety and Liaison and SAPS <input type="checkbox"/> Department of Social Welfare <input type="checkbox"/> Office of the Premier <input type="checkbox"/> Department of Correctional Services 	<p>The National Sport and Recreation Act No. 110 of 1998 The National Sport and Recreation Amendment Act No. 18 of 2007 The White Paper on Sport and Recreation Constitution of the Republic of South Africa No. 108 of 1996 The South African Boxing Act No. 11 of 2001 Public Service Act Public Finance Management Act Labour Relations Act</p>
Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
<ul style="list-style-type: none"> <input type="checkbox"/> National Environmental Management Act (Act No. 107 of 1998) <input type="checkbox"/> Environmental Conservation Act (Act No. 73 of 1989) <input type="checkbox"/> White paper on Environmental Management Policy (1998) <input type="checkbox"/> White paper on Integrated Pollution and Waste Management for South Africa (2000) <input type="checkbox"/> National Waste Management Strategy <input type="checkbox"/> KwaZulu-Natal Conservation Act (Act No. 29 of 1992) <input type="checkbox"/> Nature Conservation Ordinance No. 15 of 1974 	<ul style="list-style-type: none"> <input type="checkbox"/> EIA's conducted for listed projects 	
Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management	
<ul style="list-style-type: none"> <input type="checkbox"/> Lack of awareness of environmental issues and legislative requirements <input type="checkbox"/> Department transfers funding to municipality and project implementation done by municipalities (department has limited control on how projects are implemented) <input type="checkbox"/> Funding provided to municipalities can not be used for EIA as EIA is considered to be part of project feasibility study which is the responsibility of the recipient municipalities 	<ul style="list-style-type: none"> <input type="checkbox"/> DAEA to assist with funding for environmental management-related activities <input type="checkbox"/> Facilitate environmental compliance by including environmental-management related conditions in the service level agreements entered to by the Department with municipalities <input type="checkbox"/> MOU with DAEA on environmental compliance issues 	

National departments

Table 15: DEPARTMENT OF MINERALS AND ENERGY

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
<p>The following key areas are relevant:</p> <ul style="list-style-type: none"> ➤ Prospecting ➤ Mining 	<ul style="list-style-type: none"> ➤ DWAF ➤ NDA ➤ DAEA ➤ Department of Transport ➤ Department of Local and Traditional Affairs ➤ District Municipalities ➤ EKZNW 	<ul style="list-style-type: none"> ➤ Mineral and Petroleum Resources Development Act (Act No. 28 of 2002) ➤ White Paper on Minerals and Mining Policy, 1998 ➤ Environmental Management Policy, 1998 <p>List the Acts from which the Core Function derives its mandates for the Focus Area</p>
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
<p>National Environmental Management Act (Act No. 107 of 1998) Environmental Conservation Act (Act No. 73 of 1989) White paper on Environmental Management Policy (1998) White paper on Integrated Pollution and Waste Management for South Africa (2000) National Waste Management Strategy KwaZulu-Natal Conservation Act (Act No. 29 of 1992) Nature Conservation Ordinance No. 15 of 1974</p>	<p>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.</p>	
PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE	RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT	
<ul style="list-style-type: none"> ➤ Limited capacity to undertake monitoring and compliance inspections ➤ Lack of communication between the State Organs ➤ Lack of understanding of mining legislation by the Departments 	<ul style="list-style-type: none"> ➤ Improve level of engagement amongst the State Organs 	

Table 16: DEPARTMENT OF WATER AFFAIRS AND FORESTRY

Environmental legislative provisions to be considered (Strategic Partners)	Compliance to NEMA principles	
National Environmental Management Act (1998) NEMA EIA Regulations White Paper on Environmental Management Policy	<ul style="list-style-type: none"> <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 <input type="checkbox"/> Develop criteria and indicators for sustainable woodland management <input type="checkbox"/> Promote linkages between community growers and companies <input type="checkbox"/> Form a partnership with the Working for Water Programme <input type="checkbox"/> Promote forestry activities through provincial government departments and municipalities <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 <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 <input type="checkbox"/> Community Forestry assists in the greening of schools, clinics and other institutions <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 <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 <input type="checkbox"/> The DWAF SFRA LAAC provides a good vehicle for cooperative governance and integration of environmental management. 	
Problems and constraints in achieving compliance	Recommendations for cooperative environmental governance and environmental management	
<ul style="list-style-type: none"> <input type="checkbox"/> Limited capacity to assist small growers to comply with environmental regulations <input type="checkbox"/> Limited awareness of IEM requirements in planning of woodlot. <input type="checkbox"/> Lack of clarity on roles and responsibilities between DAEA and DWAF (water related activities) 	<ul style="list-style-type: none"> <input type="checkbox"/> Continue to coordinate activities with policies and plans executed and administered by existing partners in provincial government departments <input type="checkbox"/> 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. <input type="checkbox"/> Integrate activities into Integrated Development Plans from 2002 onwards To Streamline Water Use Licensing and the EIA Authorisation process for forestry activities. 	
Focus area of analysis	Strategic partners	Policy & Legislative Provision
<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"/> NWA implementation programme <input type="checkbox"/> National Water Resource Strategy <input type="checkbox"/> Catchment Management Strategies 	<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 	National Forests Act, No 84 of 1998. National Veld and Forests Fire Act, No 101 of 1998. White Paper on Sustainable Forest Development in South Africa, 1996 National Forestry Action Plan of September 1997 National Water Act 36 of 1998 National White Paper on Water Policy 1997

	<ul style="list-style-type: none"><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	
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Table 17: AMAFA AKWAZULU-NATALI

FOCUS AREA OF ANALYSIS	STRATEGIC PARTNERS	POLICY & LEGISLATIVE PROVISION
Conservation, Preservation and Management of Provincial heritage resources	SAHRA EKZNW DAEA DLGTA TIKZN DWAF Municipalities	NHRA No. 25 of 1999 KZN Heritage No. 10 of 1997
ENVIRONMENTAL LEGISLATIVE PROVISIONS TO BE CONSIDERED (STRATEGIC PARTNERS)	COMPLIANCE TO NEMA PRINCIPLES	
National Environmental Management Act No. 107 of 1998 Environment Conservation Act No. 73 of 1989 NEMA EIA Regulations (20067) National Water Act No. 36 of 1998 KwaZulu-Natal Nature Conservation Management Nature Conservation Ordinance 15 of 1974 National Forest Act No. 84 of 1998 Subdivision of Agricultural Land Act (Act No 70 of 1970) Agricultural Pests Act (Act No 36 of 1983)	<input type="checkbox"/> The establishment and operationalisation of compliance component within Amafa helps to promote adherence to conditions of the KZN Heritage Act No. 10 of 1997 and other legislation. <input type="checkbox"/> Heritage Permit Review Committee has been formed to deal with applications on intrusive research work while ensuring that heritage resources directly or indirectly affected and the environs thereof are properly managed. <input type="checkbox"/> Built Environment Committees have been established to deliberate and approve built heritage resources which are conservation worthy. <input type="checkbox"/> The establishment of norms, standards and impact assessment <input type="checkbox"/> criteria to ensure effective decision-making on Heritage Impact <input type="checkbox"/> Assessments compiled as part of the EIA process. <input type="checkbox"/> Streamlined application procedures and guidelines for alterations or demolition of structures or part thereof over 60 years of age <input type="checkbox"/> Establishment of permit review committees to advise on the approval of intrusive research work whilst ensuring that heritage resources and the environs thereof are properly managed <input type="checkbox"/> Establishment of Built Environment Committees to advise on the preservation of the built environment and historic landscapes <input type="checkbox"/> Consultation with EKZNW on the opening of rock art sites to tourists and the environmental impact thereof e.g. the installation of walkways, signage, etc <input type="checkbox"/> Awareness programmes for local communities on the preservation of rock art and other archaeological and palaeontological sites as well as environmental issues. <input type="checkbox"/> Consultation with the DWAF on the preservation of historic landscapes, in particular historic trees. <input type="checkbox"/> Approval for the undertaking of identified activities in terms of environmental legislation <input type="checkbox"/> Participation in the co-ordination forum	
PROBLEMS AND CONSTRAINTS IN ACHIEVING COMPLIANCE	RECOMMENDATIONS FOR COOPERATIVE ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL MANAGEMENT	
<input type="checkbox"/> Limited awareness by strategic partners <input type="checkbox"/> Lack of cooperation by some developers and/ or consultants	<input type="checkbox"/> Awareness campaigns: Road shows to resume in October 2008. This is an ongoing process <input type="checkbox"/> Sensitization of rural communities who make use of large expanses of land usually rich in heritage resources	

SECTION 5

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.

5.1 The promotion of Integrated Environmental Management (NEMA Ch.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 18 is a first attempt to identify 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.

5.2 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.

5.2.1 KZN Approach towards monitoring performance and compliance

The KZN Action Plan for EIP Implementation reflects three objectives:

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

The 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.

5.2.2 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.

Table 18: An overview of existing mechanisms and tools for IEM in KwaZulu-Natal

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 & 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 & 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 DLGTA <input type="checkbox"/> DFA process managed by the Tribunal <input type="checkbox"/> DWAF Licence Assessment Advisory Committee <input type="checkbox"/> DWAF SEA <input type="checkbox"/> DLGTA GIS	<input type="checkbox"/> Standardise assessment methodologies & 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 documents	<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"/> 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"/> Mkondeni, Rosseta EMF's <input type="checkbox"/> Umsunduzi EMF <input type="checkbox"/> Umhlatuze EMF <input type="checkbox"/> KZN State of Environment Report (Draft) <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	<input type="checkbox"/> Integration of sectoral spatial data into single database

IEM objective	Existing mechanism or IEM tools	Recommendation
Information dissemination	<input type="checkbox"/> EIA Regulations managed by environmental authority <input type="checkbox"/> DAEA waste web site <input type="checkbox"/> DLGTA Development Planning Register	<input type="checkbox"/> Make EDDSS available on website
Reporting on information, knowledge, and methodology gaps	<input type="checkbox"/> NEMA Regulations Scoping and Impact Assessment Reports <input type="checkbox"/> KZN SOER (Draft)	<input type="checkbox"/> Develop feedback systems for Sustainable Development Performance Report & 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, Ugu Air Quality Monitoring Programmes	<input type="checkbox"/> Develop activity based Environmental Management Plan standards

ANNEXURE 1: NATIONAL ENVIRONMENTAL MANAGEMENT ACT (1998) PRINCIPLES

THEMES	National Environmental Management 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.

THEMES	National Environmental Management Act No. 107 of 1998 PRINCIPLES
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	<ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle. <input type="checkbox"/> 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. <input type="checkbox"/> A risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions. <input type="checkbox"/> 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 <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.

ANNEXURE 2: ACTION PLAN FOR EIP IMPLEMENTATION (2008-2012)

Outcome (results)	Commitment/ Measurable objective	Output (deliverables)	Performance Indicators	Performance Target	Responsibility	Time-frames
Improved cooperative environmental governance	1. Develop a provincial EIP Implementation system.	System in place	Database of provincial stakeholders	1	DAEA All identified departments and stakeholders	April 2009
			Resources allocated to Environmental Governance function (DAEA & stakeholders, e.g. champions identified).			
			No. of EIP capacity building workshops	1 workshop /Dept/yaer		2008-2012
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	1	DAEA All identified departments stakeholders	April 2009
			No of meetings/annum	4		DAEA, All identified Departments / stakeholders
	3.					
	4. Promote the inclusion of EIP as an agenda item on all relevant Provincial Portfolio and/or Standing Committees.	EIP as item on relevant Provincial Portfolio and Standing Committees	Minutes of meetings and copies of reports provided to committees	100% attendance	DAEA & OTP	2008-2010
	5. Promote integration of	Identification of	All relevant structures identified.	List of	DAEA	Nov 2009

Outcome (results)	Commitment/ Measurable objective	Output (deliverables)	Performance Indicators	Performance Target	Responsibility	Time-frames
	environmental management into current intergovernmental structures with the aim to improve e minimize duplication.	relevant intergovernmental structures Participation in the identified structure	No of meetings attended and minutes	structures and their relevance Demand driven	Premier	2008-2009
	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	100%	DAEA	Demand driven
Environmental Management integrated into Agricultural development	7. Ensure implementation of NEMA Requirements for activities controlled under the CARA*	Protocol for the alignment of the CARA and the EIA application processes involving the cultivation of virgin land.	Protocol in place (roles and responsibilities, processes identified)	1	DAEA NDA	April 2010
	8. Promote environmentally sound agricultural development in sensitive environments.	Procedures and mechanisms to manage agricultural development in sensitive environments.	Sensitive environments identified Biodiversity targets for environmental sustainability incorporated in provincial planning frameworks including agriculture Bioregional Plans developed and published (NEMBA) for district municipalities	2 Bioregional Plans	DAEA KZN Wildlife	2008-2012
	9. Report on the State of the KZN Environment	KZN SoER	Provincial Issues identified Environmental Indicators developed Environmental Sustainability Monitoring Framework	1 SoER 1 Set of Provincial Sustainability indicators Sustainability Monitoring Framework	DAEA	June 2009 June 2010
	10. Improve the Systems		Environmental Information Management	1 system	DAEA	April 2010

Outcome (results)	Commitment/ Measurable objective	Output (deliverables)	Performance Indicators	Performance Target	Responsibility	Time-frames
	management of environmental Information	developed to manage environmental information	System	developed	DEAT	
	11. Promote standardization and coordinated decision-making through development of provincial norms & standards	Norms and standards	No of guideline documents in place	2 per year	DAEA DEAT	2008-2012
	12. Implement Environmental Compliance Monitoring and Enforcement in KZN.	Strategy for Environmental Compliance and strategy for Enforcement developed and implemented	Compliance strategy in place Enforcement strategy in place Implementation report	1 1 1 per year	DAEA	April 2011 2008-2012
Integrated Waste Management	13. Improve regulation of Waste Management	Waste Management Policy	Implementation of Policy		DAEA	2008-2012
	14. Improve Waste Management in all municipalities	Guidelines for development of IWMP Integrated Waste Management Plans	Guideline document No of plans produced	1 Guideline document 2 per year	DAEA DMs	2008-2012
	15. Articulate the roles and responsibilities on aspects of health care waste management	Protocol to clarify roles and enhance cooperation	Protocol in place (roles, responsibilities, processes)	1	DAEA KZN Health DWAF	Nov 2009
	16. Implement the health care risk waste management policy	Establish district health care waste management committees	No. of health care waste management committees No. of meetings per year for these	1 Committee / district 4 / year	DAEA KZN Health DWAF	April 2010

Outcome (results)	Commitment/ Measurable objective	Output (deliverables)	Performance Indicators	Performance Target	Responsibility	Time-frames
		Develop waste management plans	committee No. of public health institutions with waste management plans	All public health institutions to have waste management plans		
Development Planning	17. 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 Preparation and publishing of Bioregional Plans for District Municipalities (NEMBA)	1 per year 1 set of indicators per district / metro 1 Bioregional plans / district	DAEA DEAT DTLGA EKZNW	2008-2012
Environmental management integrated into departmental planning	18. Promote integration of environmental management into departmental functions*	Arrangements to facilitate environmental integration into departmental functions Facilitate integration through the development of strategic environmental management tools e.g SEA, EMF	Awareness programme for each department Meetings of PCEC MOU's with key provincial departments / stakeholders	1 Programme per Department /year 4 Meetings / year 1 MOU per year	DAEA All relevant provincial departments and stakeholders. (PCEC)	2008-2012
			Develop strategic environmental management tools	1 tool per district municipality	DAEA DLGTA	2008-2012
	19. Identify strategies to increase environmental input on provincial planning decision-making structures.	Strategies identified	List of strategies	100%	DAEA	July 2009

Outcome (results)	Commitment/ Measurable objective	Output (deliverables)	Performance Indicators	Performance Target	Responsibility	Time-frames
	20. Participate in provincial planning forums	DAEA represented on relevant structures	Minutes of meetings	100% attendance		2008-2012
Water resource protection and conservation	21. Streamline Water Use Licensing and EIA Authorisation processes for forestry and water resource management activities*	Protocol to clarify roles and responsibilities. Guideline	Process reviewed Roles defined Protocol developed Guideline reviewed and implemented	1 Protocol/ Revised guideline	DWAF DAEA DEAT	Nov 2011
Coastal Management and Biodiversity	22. Articulate roles and responsibilities in coastal management in line with the Marine Living Resource Act and the new ICM Legislation	Protocol to clarify roles and enhance cooperation.	Meetings, workshops and structures Roles defined Protocol developed	1 Protocol	DEAT DAEA EKZNW Others	June 2009
	23. Address DEAT targets for PA expansion	Stewardship Sites Expanded PA network	Percentage of land protected	10 % of land protected by 2012 (10 sites -190000 ha)	EKZNW	2008-2012
Air Quality & Climate Change	24. Improve institutional arrangement and governance around air quality and climate change issues	Establish provincial Air quality forum	Forum Established No. of meetings	1 4/year	DAEA DEAT Municipalities & Mining All relevant government departments	October 2009
		Develop climate change vulnerability strategy	Vulnerability Strategy	1		Nov 2010
		Conduct climate change impact study for KZN	Climate change study	1		Nov 2011