

**STATE OF CONSERVATION REPORT FOR THE CAPE FLORA REGION PROTECTED AREAS
(N 1007bls)**



SOUTH AFRICA

BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

DECEMBER 2019

IDENTIFICATION OF THE PROPERTY

Identification No: N 1007bis

Name of property: Cape Flora Region Protected Areas

State Party: South Africa

Province(s): Western Cape and Eastern Cape

Criteria: (ix) and (x)

1. EXECUTIVE SUMMARY OF THE REPORT

The Cape Floral Region Protected Areas World Heritage Site (CFRPA WHS) is a serial property that comprises of 1 135 486.46 hectares (ha) and include thirteen (13) different Protected Area clusters and their individual components. Most of the clusters are within the Western Cape Province, with some sections in the western sections of the Eastern Cape Province. Included are National Parks, Nature Reserves, and Wilderness Areas.

Decision 42 COM 7B. 94 requested the State Party to address several issues related to the State of Conservation of the property. The issues raised in the decision are addressed in detail in this report. In a letter dated 03 September 2019, the Director of the World Heritage Centre (WHC) informed the State Party of a letter received from stakeholders raising some concerns regarding the management of the property. Through that letter, the State Party was encouraged to respond to the issues using the upcoming State of Conservation reporting due by 01 December 2019. The State Party has opted to send a detailed response to the WHC in a separate letter.

The CFRPA WHS is managed by three (3) management authorities: the Western Cape Nature Conservation Board (CapeNature), South African National Parks (SANParks), and the Eastern Cape Parks and Tourism Agency (ECPTA). These authorities have standing budget allocations which enable them to meet their conservation and management responsibilities.

A Joint Management Committee (JMC) for the whole property was established in 2010 and involves the Chief Executive Officers of the three management authorities, and the Department of Environment, Forestry and Fisheries, which also chairs the Committee. The JMC continues to meet annually whilst its technical committees meets at least twice a year.

The Baviaanskloof Nature Reserve (ID No. 1007 065) is planning the development of a sizable interpretation facility. This development is currently going through Environmental Authorization processes in order to identify and remedy any potential negative impact on the property's Outstanding Universal Value.

2. RESPONSE TO THE DECISIONS OF THE WORLD HERITAGE COMMITTEE, PARAGRAPH BY PARAGRAPH

The paragraphs under this section provide detailed responses to the issues raised through **Decision 42. COM 7B.94.**

2.1 RECALLING OF DECISION 39 COM 8B.2, ADOPTED AT ITS 39TH SESSION (BONN, 2015)

The State Party acknowledges the recall of **Decision 39 COM 8B.2** and an update on any outstanding issues from that decision is provided in the paragraphs below.

2.2 THE STATE PARTY TO ENSURE THAT SUFFICIENT FUNDING WILL CONTINUE TO BE SECURED FOR THE EFFECTIVE MANAGEMENT OF THE PROPERTY.

The State Party wishes to reiterate as per the report to the 42nd Session of the World Heritage Committee that the three (3) management authorities: Western Cape Nature Conservation Board (CapeNature), South African National Parks (SANParks), and the Eastern Cape Parks and Tourism Agency (ECPTA) receive and generate enough resources to ensure sustainable funding of the operations and management of the world heritage property. The DEFF and the National Department of Tourism (NDT) also provide substantial additional funding through targeted programmes such as the Working for Water, Working for Wetlands, Working for the Coast and many other programmes that support the functioning and conservation work within the property.

2.3 THE STATE PARTY TO DEVELOP AN ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF), WHICH WILL ASSESS THE EFFECTIVENESS AND POSSIBLE ADDITIONS TO THE BUFFER ZONE AND INFORM THE DEVELOPMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK (SDF).

The State Party wishes to bring to the attention of the Committee, the delays experienced in the appointment of Service Providers to develop an Environmental Management Framework (EMF). The State Party is however now in a position to confirm that a Service Provider has been appointed with effect from 08 August 2019 and that work towards development of the EMF has now commenced. Development of the EMF is expected to be completed by 30 November 2020. The inception report is attached herewith as **Annexure A.**

2.4 STATE PARTY TO COMPLETE PROTECTED AREA MANAGEMENT PLANS (PAMP) FOR ALL 13 CLUSTERS OF THE PROPERTY BY 31 DECEMBER 2019, AND ACCELERATING THE PROCESS TO DEVELOP AN INTEGRATED MANAGEMENT PLAN FOR THE PROPERTY TO THE EXTENT POSSIBLE.

The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) requires that protected areas in South Africa develop Protected Area Management Plans (PAMPs), '*to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared*'. In addition, the World Heritage Convention Act, 1999 (Act No. 49 of 1999) requires the Management Authority to develop an Integrated Management Plan for the world heritage property.

The State Party is pleased to report that the status of Protected Area Management Plans for all thirteen (13) clusters of the property as of 31 December 2019 would be as follows:

Protected Area Management Plans completed and approved

1. Anysberg Nature Reserve
2. Boland Mountains Complex
3. Cederberg Complex
4. De Hoop Nature Reserve

Protected Area Management Plans scheduled for completion in the year 2020

5. Langeberg Complex
6. Swartberg Complex

Protected Area Management Plans scheduled for completion in the year 2021

7. Groot Winterhoek Nature Reserve
8. Hex River Complex
9. Riviersonderend Complex

Protected Area Management Plans that are still valid and / or under review

10. Table Mountain National Park
11. Agulhas National Park (new plan to be finalized and approved in 2020)
12. Garden Route National Park (to be finalized and approved 2020)

13. Baviaanskloof Nature Reserve

The State Party wishes to inform the World Heritage Centre that an Integrated Management Plan will be prepared once all Protected Areas Management Plans have been developed.

2.5. STATE PARTY TO ENGAGE STAKEHOLDERS AND IDENTIFY LAND TO ADDRESS HOUSING NEEDS NECESSITATED BY A FIRE OUTBREAK, THAT AFFECTED COMMUNITIES IN CLOSE PROXIMITY TO THE SITE; AND INFORMING THE WORLD HERITAGE CENTRE OF ANY MAJOR DEVELOPMENTS PLANNED IN THE AREA IN ACCORDANCE WITH PARAGRAPH 172 OF THE OPERATIONAL GUIDELINES.

As reported during the 42nd Session, the State Party undertook a series of stakeholder engagement with the City of Cape Town, the provincial Department of Environment, the National Department of Housing, the Housing Development Agency, SANParks and all other relevant stakeholders including community representatives in order to find ways and options to accommodate the housing needs for communities. At the time, members of the Imizamo Yethu community who were affected by fire and floods were relocated to Temporary Relocation Areas whilst a permanent solution is being sought.

The State Party has since made some progress and can now report that four (4) privately owned properties making up 7.955 ha have been identified and funding has been secured to purchase these properties for a permanent housing solution.

2.6 STATE PARTY TO ASSESS IMPACTS OF WATER EXTRACTION FROM THE TABLE MOUNTAIN GROUP AQUIFER, DUE TO DROUGHT CONDITIONS IN THE WESTERN CAPE PROVINCE WHICH MAY HAVE POTENTIAL IMPACTS ON THE PROPERTY'S OUTSTANDING UNIVERSAL VALUE (OUV) AND INFORMING THE WORLD HERITAGE CENTRE OF ANY MAJOR DEVELOPMENTS PLANNED IN ACCORDANCE WITH PARAGRAPH 172 OF THE OPERATIONAL GUIDELINES IN THE EVENT THAT THE REPORTED PLANS GO AHEAD.

The State Party is pleased to report that both the national and provincial drought declarations for the Western Cape province ended around the time of the 42nd Session.

The water situation in the Cape Town Metropolitan and the Western Cape in general has significantly improved with most dams in the Cape Town Metro at over 80% capacity and still rising. Parts of the

Western Cape, however, remain in a severe drought situation, mainly the northern inland areas and the southern parts of the Western Cape and Eastern Cape. Due to the improvement of the water situation, the DEFF has since withdrawn the National Environmental Management Act (NEMA) Section 30A Directive (see attached) which was to allow the City of Cape Town to drill emergency boreholes to alleviate the drought.

CapeNature and SANParks are members on the City of Cape Town Environmental Monitoring Committee, which has oversight on all abstraction in the Table Mountain Group Aquifers, which reports to the National Regulator, for groundwater abstraction, namely the Department of Human Settlements, Water and Sanitation.

CapeNature has commented on all method statements that direct how and where drilling is to take place in and around the CapeNature managed CFRPA WHS in order to mitigate risks during drilling and pump testing phases.

2.7. STAKEHOLDERS CONCERNS RAISED THROUGH A LETTER FROM PARKSCAPE TO THE MINISTER OF DEFF AND COPIED TO THE DIRECTOR OF THE WORLD HERITAGE CENTRE

The State Party has noted the letter from Parkscape to the Minister of DEFF which was copied to the Director of the World Heritage Centre. The State Party has also noted the invitation by the WHC for the State Party to use this State of Conservation reporting to respond to the Parkscape letter if the State Party wishes to.

The State Party wishes to inform the Committee that the issues raised in the Parkscape letter will be fully responded to in a separate letter to be sent to the World Heritage Committee, while we are investigating the matter further.

3. OTHER CURRENT CONSERVATION ISSUES IDENTIFIED BY THE STATE PARTY WHICH MAY HAVE AN IMPACT ON THE PROPERTY'S OUTSTANDING UNIVERSAL VALUE

There are no conservation issues identified by the State Party which may have an impact on the property's Outstanding Universal Value.

4. IN CONFORMITY WITH PARAGRAPH 172 OF THE OPERATIONAL GUIDELINES, DESCRIBE ANY POTENTIAL MAJOR RESTORATIONS; ALTERATIONS AND/OR NEW CONSTRUCTION(S) INTENDED WITHIN THE PROPERTY, THE BUFFER ZONE(S) AND/OR CORRIDORS OR OTHER AREAS, WHERE SUCH DEVELOPMENTS MAY AFFECT THE OUTSTANDING UNIVERSAL VALUE OF THE PROPERTY, INCLUDING AUTHENTICITY AND INTEGRITY.

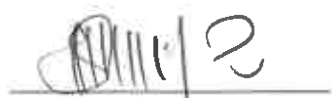
The State Party wishes to bring to the Committee's attention the proposed development of an Interpretative Centre has been proposed for development at the Baviaanskloof Nature Reserve. An Environmental Impact Assessment has been undertaken to evaluate the likely environmental impacts of the proposed project on the property's outstanding universal value. The EIA is attached herewith as Annexure B.

The State Party will further inform the World Heritage Centre of any developments in this regard.

5. PUBLIC ACCESS TO THE STATE OF CONSERVATION REPORT

The State Parties have no objection against the uploading of the State of Conservation report on the World Heritage Centre's State of Conservation Information System, thereby providing public access towards the report.

6. SIGNATURE OF THE AUTHORITY

A handwritten signature in black ink, appearing to be 'M. J. P.', written over a horizontal line.

Date: 20 | 12 | 2019



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

SiVEST




**DEPARTMENT OF ENVIRONMENT, FORESTRY
AND FISHERIES**

**CAPE FLORAL REGION PROTECTED AREAS
WORLD HERITAGE SITE (CFRPA WHS)**

**ENVIRONMENTAL MANAGEMENT
FRAMEWORK (EMF)**

Final Inception Report

Issue Date: 31 October 2019
Revision no.: 1
Project No. 15307

Date:	31 October 2019
Document Title:	Department of Environment, Forestry and Fisheries Environmental Management Framework for the Cape Floral Region Protected Areas World Heritage Site (CFRPA WHS) - Final Inception Report
Author:	Liandra Scott-Shaw
Revision Number:	1
Checked by:	Dr Tiffany Pillay
Approved by:	Tarryn Curtis
Signature:	
For:	SiVEST SA (Pty) Ltd.

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES
CAPE FLORAL REGION PROTECTED AREAS WORLD HERITAGE SITE
(CFRPA WHS)

ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF)

FINAL INCEPTION REPORT

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	OUR UNDERSTANDING OF THE SCOPE OF WORKS.....	3
3.	PROJECT METHODOLOGY	5
3.1	Project Management and Administration.....	5
3.2	Project Inception.....	6
3.3	Data Collection	7
3.4	Public Participation Framework.....	8
3.4.1	<i>Stage 1: Preparation.....</i>	<i>9</i>
3.4.2	<i>Stage 2: Stakeholder Consultation.....</i>	<i>9</i>
3.4.3	<i>Stage 3: Review and Reporting Phase</i>	<i>10</i>
3.5	Geographic Information System (GIS)	10
3.6	The Environmental Framework (EMF)	10
3.6.1	<i>Phase 1: Status Quo Assessment, Sensitivity Analysis and Zone of Influence.....</i>	<i>10</i>
3.6.2	<i>Phase 2: Desired State of the Environment (DSoE)</i>	<i>12</i>
3.6.3	<i>Phase 3: Environmental Management Zones (EMZ) and Guidelines</i>	<i>13</i>
3.7	Strategic Environmental Management Plan (SEMP)	14
3.8	Deliverables/Outputs and Formats	14
4.	POLICY AND LEGISLATIVE CONTEXT.....	15
5.	PLANNED PROGRAMME	16
6.	PROJECT BUDGET	18
7.	CONCLUSION	22

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES
CAPE FLORAL REGION PROTECTED AREAS WORLD HERITAGE SITE
(CFRPAWHS)

ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF)

DRAFT INCEPTION REPORT

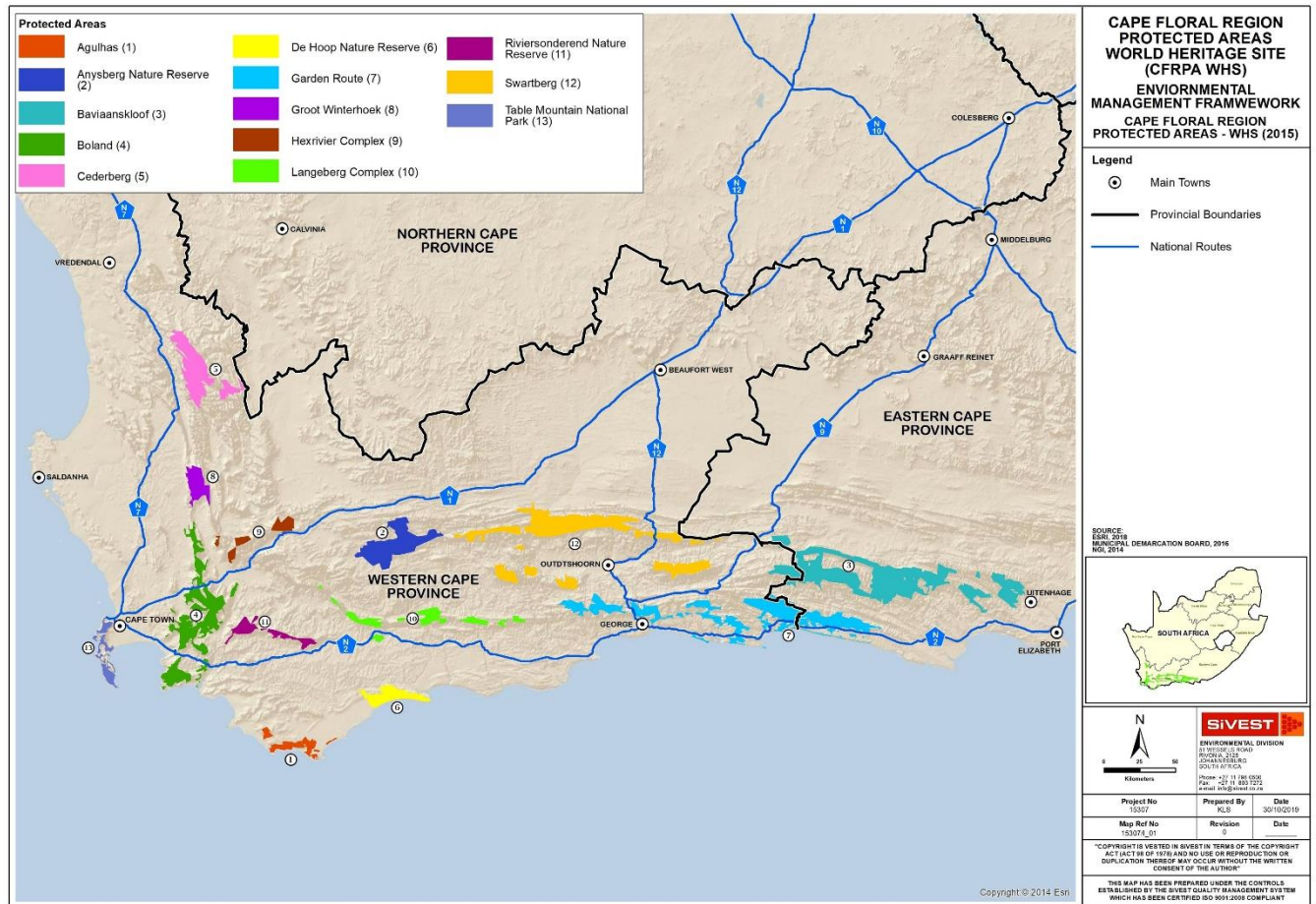
1. INTRODUCTION

The Environmental Division of SiVEST SA (Pty) Ltd have been appointed by the Department of Environment, Forestry and Fisheries to develop the Environmental Management Framework (EMF) for the Cape Floral Region Protected Areas World Heritage Site (CFRPA WHS). The Cape Floral Region has been recognised as one of the most special places for plants in the world in terms of diversity, density and number of endemic species. The property is a highly distinctive phytogeographic unit, which is regarded as one of the six Floral Kingdoms of the world and is by far the smallest and relatively the most diverse.

The CFRPA WHS was added to the World Heritage List in 2004, and is one of the world's great centres of terrestrial biodiversity. The originally inscribed Cape Floral Region Protected Areas serial property comprised eight protected areas covering a total area of 557,584 ha, and included a buffer zone of 1,315,000 ha. The United Nations Education, Scientific and Cultural Organisation (UNESCO) on 3 July 2015 approved the extension of the Cape Floral Region Protected Areas World Heritage Site. This approval was granted by the 39th Session of the Unesco's World Heritage Committee taking place in Bonn, Germany from 28 June to 08 July, 2015.

This extraordinary assemblage of plant life and its associated fauna is now represented by a series of 13 protected area clusters covering an area of 1,094,742 ha of protected areas and is surrounded by a buffer zone of 798,514 ha. The buffer zone is made up of privately owned, declared Mountain Catchment Areas and other protected areas, further supported by other buffering mechanisms that are together designed to facilitate functional connectivity and mitigate for the effects of global climate change and other anthropogenic influences. The thirteen Protected Areas Clusters are listed as follows: Baviaanskloof Complex, Cedarberg Complex, Groot Winterhoek Complex, Table Mountain National Park, Boland Mountain Complex, Hexrivier Complex, Riviersonderend Nature Reserve, Agulhas Complex, De Hoop Nature Reserve, Langeberg Complex, Garden Route Complex, Anysberg Nature Reserve and Swartberg Complex (Figure 1).

Figure 1: Thirteen Protected Areas Clusters



Unesco’s World Heritage Committee Decision: 39 COM 8B.2, regarding the extension of Cape Floral Region Protected Areas also highlighted the Protection and management requirements of the sites. The serial World Heritage property and its component parts, all legally designated protected areas, are protected under the National Environmental Management: Protected Areas Act (57 of 2003). The protected areas that make up the property are managed by three authorities: South African National Parks (SANParks), Western Cape Nature Conservation Board (CapeNature) and Eastern Cape Parks and Tourism Agency. These authorities, together with the national Department of Environmental Affairs, make up the Joint Management Committee of the property. All of the sites are managed in accordance with agreed management plans, however, there is a recognised need for a property-wide management strategy in the form of an Environmental Management Framework.

The CFRPA WHS faces pressures which will potentially threaten the long-term integrity of these areas if they are not managed properly. Unesco’s 2018 State of Conservation Report identified the following as factors affecting the area; financial resources, fire (wildfires), governance, invasive/alien terrestrial species, management systems/ management plan and other climate change impacts. Although buffer areas have been delineated, there is a concern that these buffer areas may not be effective in protecting the core CFRPA WHS. A comprehensive, strategic environmental management instrument is required, namely an

EMF, which will effectively incorporate plans and policies. The EMF will assist in determining the effectiveness and potential additions to the buffer zone for each of the 13 clusters.

The purpose of this report is to detail the specific actions and budget provision for the preparation of the EMF. This report forms the Inception Report of the project to prepare the EMF and is based on the project proposal that was submitted in accordance with the Terms of Reference (Attached as **Appendix A**). The objectives of this inception report are therefore to:

- Define the key objectives, scope of work, roles and responsibilities, and the structure of the reports;
- Finalize the methodology, timeframes, budget and key responsibilities;
- Identify key stakeholders and role players, to be included in a stakeholder database;
- Confirm the Public Participation Processes to be followed;
- Identify the legal and policy framework; and
- Develop a project work plan.

2. OUR UNDERSTANDING OF THE SCOPE OF WORKS

The study area of the EMF will cover The United Nations Educational, Scientific and Cultural Organization (UNESCO) approved core and buffer of the Cape Floral Region Protected Areas World Heritage Site. The study area should cover the CFRPA WHS's thirteen (13) Protected Areas Clusters, namely:

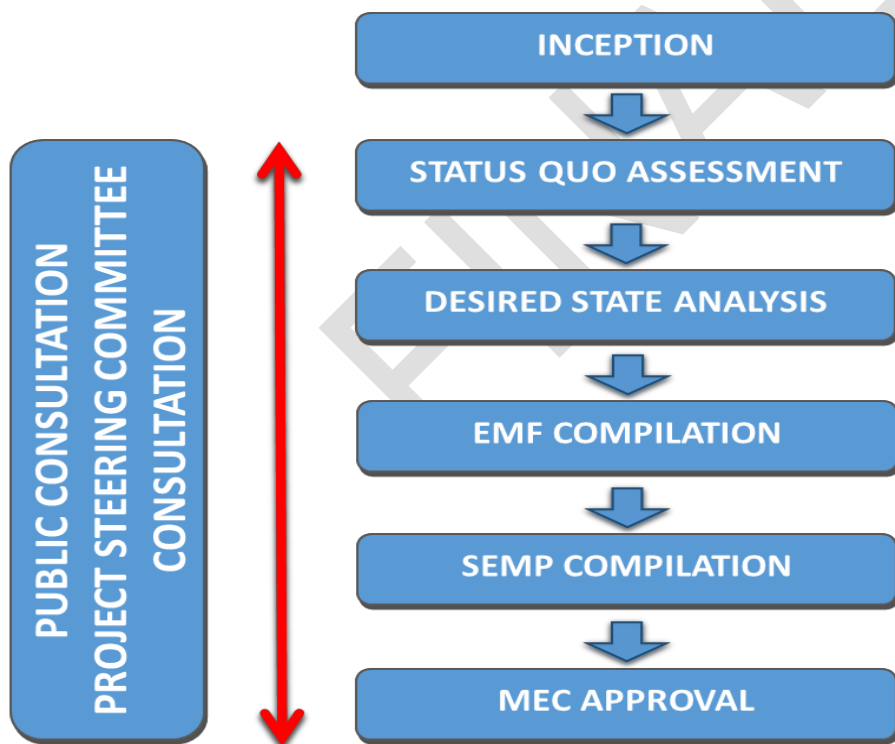
- Baviaanskloof Complex,
- Cedarberg Complex,
- Groot Winterhoek Complex,
- Table Mountain National Park,
- Boland Mountain Complex,
- Hexrivier Complex,
- Riviersonderend Nature Reserve,
- Agulhas Complex,
- De Hoop Nature Reserve,
- Langeberg Complex,
- Garden Route Complex,
- Anysberg Nature Reserve and
- Swartberg Complex,
- Including their associated and inscribed buffer zones (privately owned, declared Mountain Catchment Areas and other private protected areas), as well as possible buffer extensions.

The objectives of the EMF will be to:

- To develop an EMF that will assist in planning for the core areas of the CFRPA WHS, by filling in the gaps in current sensitivity mapping and protected area zonation;
- To develop an EMF that will assist in determination of the "Zone of Influence", therefore, potential buffer expansion areas, for each of the 13 identified Clusters;
- Determine an effective buffer area within which land and water should be managed to avoid, minimize, or mitigate any adverse effects to the core of the CFRPA WHS;

- An EMF tool aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plans (buffer) and existing Protected Area Zonation schemes, to serve as a spatial screening mechanism for EIAs in the study area through the augmentation of an environmental constraints dataset that indicates the issues which should be investigated in more detail during the EIA process;
- To develop an EMF aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plan Handbooks or similar (buffer), and existing Protected Area Management Guidelines, as a tool that provides strategic context for any EIA applications in the study area through the development of management zones dataset to indicate through the decision support matrix whether a proposed activity is compatible in a specific area/zone or not, as seen from a strategic perspective; and
- To develop an EMF aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plans (buffer) and existing Protected Area Zonation schemes. The EMF will be used as a tool to inform strategic spatial planning within the area, through the development of management zones dataset, which will inform future development of a Spatial Development Framework (SDF) responsible for strategic spatial planning and guiding land use management in the area.

The EMF process as outlined below involves a stepped process to meet the project objectives.



3. PROJECT METHODOLOGY

3.1 Project Management and Administration

Effective project management is a key aspect of the successful and timeous completion of any task or project undertaken, and project management structures will be put in place to ensure this.

A key component of this project will be ensuring that the project is completed within the timeframe provided which is eighteen (18) months. The SiVEST Project Team proposes to meet the requirements of the project and to deliver a high standard of work within budget and on time. In this way there will be a focus on both ensuring the quality of work and that it is completed on time. It must be noted that SiVEST cannot be held responsible for any delays caused by the Client, Stakeholders, external specialists or any other factors beyond the control of SiVEST.

Regular correspondence with the client will take place to ensure effective flow of information between the client team and the service provider to ensure that the client is kept informed of progress on the project. It is envisaged that four (4) Project Steering Committee (PSC) meetings will be held to facilitate information sharing.

For the purposes of this project, one Committee i.e PSC will be established. The following Departments will constitute the PSC:

- National Department of Environment, Forestry and Fisheries (DEFF)
- Western Cape Department of Environmental Affairs and Development Planning (DEA&DP)
- Eastern Cape Department of Finance, Economic Development, Environmental Affairs and Tourism (DFEDEAT)
- South African Heritage Resources Agency (SAHRA)
- Heritage - Western Cape
- Heritage - Eastern Cape
- South African National Parks (SANParks)
- CapeNature
- Eastern Cape Parks and Tourism Agency (ECTPA)
- Gouritz Cluster Biosphere Reserve
- Cape Winelands Biosphere Reserve
- Kogelberg Biosphere Reserve
- Cape West Coast Biosphere Reserve
- Garden Route Biosphere Reserve

Table 1: Names and details of the project team involved in the EMF Process

NAME	ROLE
Tarryn Curtis	Project Leader/Director
Liandra Scott-Shaw Pr.Sci.Nat.	Project Consultant / Assistant Biodiversity Specialist (Flora)
Kerry Schwartz	GIS Specialist

Simon Todd Pr.Sci.Nat.	Lead Biodiversity Specialist
Mark Summers	Assistant Biodiversity Specialist (Fauna)
Stephen Burton Pr.Sci.Nat.	Wetland Specialist
Nicolene Venter	Community Facilitator (Afrikaans)
Thuthukani Zuma	Community Facilitator (Xhosa)
Jackie Jackson	Project Controller
Dr Tiffany Pillay Rhodes University	External Reviewer

3.2 Project Inception

The SiVEST team have attended an inception meeting in Cape Town - Driftsands Nature Reserve on 26th August 2019. The minutes of this meeting is attached as **Appendix B**.

The aims of the inception meeting were as follows;

- Introduction and establishment of the project steering committee (PSC).
- Confirm the scope of the project.
- Agree upon the roles and responsibilities of the PSC.
- Agree upon the scope, mechanisms and stakeholder groupings which are to be included in the consultation process.
- Agree upon the project plan and the timeframes for deliverables.
- Discuss and agree on all available info (i.e. appropriate and relevant pieces of legislations, tools/instruments, programmes, plans, policies and guidelines documentation) to be indicated and/or provided to the service provider.

The main outcomes of the inception meeting are highlighted below;

- SiVEST are to ensure that the objectives of the project are clearly stipulated in all the reports to ensure consistency and alignment.
- SiVEST are to share the revised Pricing Scheduled/Cost Structure to replace the Pricing Scheduled/Cost Structure of the signed SLA.
- SiVEST are to ensure participation of all relevant stakeholders.
- SANParks, CapeNature and ECPTA are to use existing forums/committees to sensitise relevant stakeholders on the ground about the project and also alert them of the skills transfer/training that would be undertaken by Sivist SA Pty as part of the project deliverables.
- Mr Albert Ackhust is to share the contact details of the Coordinators of the Biosphere reserves.
- Coordinators of the Biospheres participate and form part of the Project Steering Committee (PSC).
- SiVEST is to conduct training as part of the skills transfer on the use of GIS and the EMF (Screening tool).
- SiVEST is to collate contact information pertaining to the relevant Local and District Municipalities in both Western Cape and Eastern to form part of the stakeholder list and engage them accordingly.

- PSC meetings are to be scheduled in advance. Four (4) PSC meetings to be held.
- The Department is to draft formal letters to the relevant department to formally introduce the Service Provider and also nominate officials to participate in the PSC meetings from the following institutions:
 - Department of Environmental Affairs and Development Planning (DEFF&DP),
 - Department of Finance, Economic Development, Environmental Affairs and Tourism (DFEDEAT),
 - South African Heritage Resources Agency (SAHRA),
 - Heritage - Western Cape,
 - Heritage - Eastern Cape,
 - South African National Parks (SANParks),
 - Western Cape Nature Conservation Board; and
 - Eastern Cape Parks and Tourism Agency (ECTPA)
 - Gouritz Cluster Biosphere Reserve
 - Cape Winelands Biosphere Reserve
 - Kogelberg Biosphere Reserve
 - Cape West Coast Biosphere Reserve
 - Garden Route Biosphere Reserve
- PSC members are to provide SiVEST with all the relevant information/ documents to avoid duplication of the already existing information.
- Department of Environment, Forestry and Fisheries (DEFF), SANParks, ECTPA and Cape Nature are to provide access to the GIS Data.
- The next PSC meeting is to be held in Baviaanskloof (tentatively in February 2020 - date to be confirmed).

3.3 Data Collection

Baseline information provides the platform upon which the EMF is developed and the ultimate success of the EMF is determined by the quality and accuracy of the primary information inputs. Information gathering is an activity that takes place throughout the formulation of an EMF.

The status quo assessment forms the repository for all physical, biological, social and economic data for the area and where possible and applicable this information will be presented spatially. Spatial mapping of baseline information will provide the platform upon which the EMF is further developed.

The eventual quality and relevance of an EMF will to a large extent depend on:

- The information included;
- The credibility of information sources; and
- The quality and detail of the information.

All relevant legislations and guideline documentation will be consulted as part of the project to ensure that all information relevant to the study area is utilised and to ensure that informed decisions are made. It is assumed that all information in the Client's possession will be made available to the PSC.

High quality reports and mapping are required from PSC members, DEFF, SANParks, ECTPA and Cape Nature, to facilitate the information gathering process.

3.4 Public Participation Framework

As prescribed by sub-regulation 2 (c) of the EMF regulations, the following processes must be conducted as a minimum:

- The draft EMF must be made available for public comment;
- Potential I&APs must be made aware of the project by means of advertisements in newspapers and other appropriate means;
- Appropriate steps must be taken to ensure that reasonable means have been implemented to engage with I&APs who are illiterate or disabled;
- Consideration must be given to representations and comments; and
- A comments and response report must be prepared.

Given the variations in context and size between different areas for which EMFs are compiled, the regulations are generic and as such, a broader public participation may be required. Accordingly, SiVEST proposes to involve Interested & Affected Parties (I&APs) throughout the duration of the project. This serves the purpose of identifying contentious issues, creating accountability and ownership and mobilising ideas and information to assist design, appraisal and ultimate implementation of activities. Stakeholder involvement firstly requires identification of Interested and Affected Parties and secondly the appropriate method of involvement. This needs to be carefully considered based on the specifics of the project.

SiVEST will be responsible for ensuring effective stakeholder and I&AP engagement throughout the process. The I&APs will be included in the consultation process by means of the following:

- Placing an advertisement in a regional newspaper/s;
- Distributing a background information documents to I&APs;
- Making the Draft Status Quo report available at two (2) public libraries and on the internet for review;
- Making the Draft EMF and SEMP available at two (2) public libraries and on the internet for review;
- Distributing invitations to attend the public meetings;
- Holding public meetings; and
- Providing feedback to I&AP's on process.

The public participation framework will assist in the identification of key stakeholders, who will form an important part of the development of the EMF. Key stakeholders will consist of, but not limited to;

- DEFF, DEFF&DP, and DEDEAT;
- Local and District Municipalities;
- SAHRA;
- Heritage Western Cape;
- Heritage Eastern Cape;
- South African National Parks;
- Western Cape Nature Conservation Board;

- Eastern Cape Parks and Tourism Agency;
- Gouritz Cluster Biosphere Reserve
- Cape Winelands Biosphere Reserve
- Kogelberg Biosphere Reserve
- Cape West Coast Biosphere Reserve
- Garden Route Biosphere Reserve
- Environmental Interest Groups;
- Community Based Organizations; and
- Any other stakeholders/properties whereby the project will affect.

The above stakeholders may coordinate the participation of a wider group of stakeholders.

3.4.1 Stage 1: Preparation

This will entail the following activities:

- An initial meeting with the client;
- The preliminary compilation of a database of key stakeholders, and
- The preparation of documentation that is necessary for the public participation process including:
 - A background information document;
 - Project advertisements to be published in the local and regional newspapers;
 - Invitations to attend public meetings.
- The following will be addressed in the development phase;
 - The type and nature (scale) of environmental attributes to be determined in the CFR
 - Status of conservation of sensitive elements
 - The need for cooperative government

3.4.2 Stage 2: Stakeholder Consultation

This stage of the participation process focuses on interaction with the key stakeholders. It will include focus group meetings and interviews. The focus group meetings and structured interview process will be used to identify issues, viewpoints, concerns and attitudes held by the various stakeholder categories in the area. Reports/ Minutes and Attendance Registers, which would be provided to the client.

Stakeholders will be engaged on an ongoing basis to ensure that they are informed of the project progress and that they are able to communicate issues and concerns to the project team. The issues, comments and concerns raised during Stage 2 will be captured into a Comments and Response Report, which will form part of the draft EMF. The Comments and Response Report will include:

- A description of the process followed;
- A list of issues, comments and concerns raised during the process;
- A list of the registered I&APs;
- Conclusions and recommendations; and
- Minutes of meetings and written comments received during the process.

3.4.3 Stage 3: Review and Reporting Phase

Stage 3 consists of a review period of the draft EMF Report and the finalisation of the Comments and Response Report as well as a feedback stakeholder consultation. All comments regarding the contents of the draft EMF report will be reflected in the final report which is submitted to the competent authority for approval and decision.

3.5 Geographic Information System (GIS)

GIS mapping for this project will be undertaken by SiVEST.

Initially GIS tasks will involve the identification, collation and integration of all existing spatial data to provide a spatial information platform to support the EMF and provide a basis for an information gap analysis.

Outputs in the form of maps prepared in ArcGIS and a digital data set in GIS format, containing all relevant data and completed maps, will be handed over to the Client upon completion of the project. All GIS work is undertaken using ESRI's ArcGIS in conjunction with the Spatial Analyst and 3D Analyst extensions where relevant.

3.6 The Environmental Framework (EMF)

Inputs from the various stakeholders and departments will be considered to ensure that the final product reflects the goals and objectives as set out in the TOR and also the requirements of the relevant stakeholders.

- The final product will ensure that the goals and objectives have been achieved; and
- The final product will be accompanied by all GIS shapefiles.

The EMF will be a synthesis of the findings of the various studies as described as follows:

3.6.1 Phase 1: Status Quo Assessment, Sensitivity Analysis and Zone of Influence

A status quo assessment will be conducted whereby the current environmental conditions will be assessed and reported on. This phase is the starting point in terms of environmental issues, constraints and opportunities within the study area, and guides the realistic conception of the desired state.

The status quo report will address the interrelationships between the different attributes as well as the importance of the attributes in the context of the area. Issues and trends in respect of attributes will be described, where appropriate.

The status quo will be undertaken by:

- Identifying and assessing any gaps in the information provided by the Agencies and source any additional data that may be required;
- Undertaking a sensitivity analysis on the thirteen (13) Protected Areas Clusters, using the methodology provided by the Agencies for core CFRPAs;

- Developing a standard methodology in order to determine a “Zone of Influence” for each of the clusters, in consultation with the relevant authorities, as well as present it to the PSC in order for them to adopt it as a preferred methodology;
- Delineating a “Zone of Influence” for all thirteen (13) Protected Areas clusters; and
- Holding a workshop with all the relevant agencies to conduct an assessment of threats, pressures and driving forces on the CFRPA core, the current state of and impacts to the environment, and the human responses, including opportunities and constraints.

Identifying Development Pressures and Trends

In order to establish what can realistically be achieved in bridging the gap between the status quo and the desired state, it is necessary to identify and understand the development pressures and trends in the area. These trends and pressures may come from a range of issues such as:

- Population (growth, distribution and composition);
- Income distribution;
- Education and literacy;
- Employment sectors;
- Economic drivers;
- Natural resource exploitation;
- Land use;
- Growth sectors; and
- Development policies and plans.

The above identification will depend on the level of information available. ‘

Environmental Sensitivity Analysis

Various baseline information layers as defined in the status quo assessment will be integrated to inform the environmental sensitivity analysis. The purpose of this analysis is to provide an overarching view of the inherent environmental sensitivity of the area. In this way, the sensitivity analysis provides a ‘control’ to test the applicability and accuracy of the identified environmental opportunities and constraints.

Sensitivity ratings are determined by allocating a weighting or value to each of the environmental features in the status quo spatial layers. Map overlay techniques are then applied to produce a composite environmental sensitivity layer which can then be used as a platform for identifying open space systems and also for spatial support in conservation planning initiatives.

Establishing Opportunities and Constraints

Opportunities and constraints for the EMF area will be established through the assessment of the status quo, desired state of environment and the development pressures and trends. The zones are in effect a spatial representation of critical environmental issues identified in the foregoing phases of the EMF compilation.

Opportunities may include aspects such as:

- Areas that can accommodate specific development growth demands with minimal environmental impact;
- Sensitive environmental attributes that can be conserved within the current policy and budgetary capacities of the different spheres of government; and
- Limits on pollution and waste generation that can be achieved without significant cost.

Examples of constraints include:

- Population growth trends that exceed the ability of the area to accommodate the anticipated development demand in areas that are not environmentally sensitive;
- The location of good building sand in an area with a habitat for rare and endangered species; and
- Low ambient air quality in an area where there is high demand for industrial growth.

3.6.2 Phase 2: Desired State of the Environment (DSoE)

The SiVEST Project Team will identify and spatially represent the desired state of the environment using a comparative analysis of the status quo finding. This would need to be undertaken in consultation with key stakeholders to provide a strategy whereby feasible development activities may be fast-tracked or allowed to proceed without an EIA authorisation.

The analysis and evaluation of the baseline information, in conjunction with issues raised by I&APs and the requirements of the authority will provide a basis for establishing strategic significant issues, identifying environmental opportunities and constraints and describing the desired future state of the environment.

The DSoE will:

- Clearly describe the desired future state of the environment for specific geographic areas within the core and expanded buffer areas;
- Clearly describe the desired future state of the environment for specific geographic areas within the core CFRPA WHS;
- Clearly describe the desired future state of the environment for specific geographic areas within the redefined buffer zone/area - for the full extent of the Western Cape and Eastern Cape Province (outside of protected areas) by the Western Cape and Eastern Cape Biodiversity Spatial Plan, and should serve as a basis for developing these areas;
- Include Biophysical issues, including geology, topography and climate, biodiversity and conservation, hydrology and water resources, ecological infrastructure, air quality and agricultural potential; and socio-economic issues, including socio-economic profile, infrastructure development, land use, heritage resources, tourism and mining and others;
- Identify and detail conflicts between land-use planning, biodiversity issues and agriculture and identify the strategies which will be needed for dealing with those conflicts; and
- Identify development pressures and threats.

3.6.3 Phase 3: Environmental Management Zones (EMZ) and Guidelines

Management Zones

Management zones will be formulated by the integration and consolidation of specific homogenous categories of sensitivity as well as areas identified through the EMF process as being significantly sensitive to development pressures. The purpose of these management zones is to focus the attention of the relevant authority on critically important areas and to facilitate effective decision-making regarding these areas.

The study area will be divided into environmental management zones based on the spatial component of the desired state of environment phase and will integrate any existing Protected Area Management Plan zonation products. The recommended Environmental Management Zones for the thirteen (13) Protected Areas clusters and their expanded buffer area will be outlined.

Once these zones have been identified and mapped, each zone will be linked management parameters and guidelines which will be provided in the management guidelines documents.

Management Guidelines

The purpose of the management guidelines is to link management requirements to the management zones. The guidelines are not land-use prescriptive, but rather provide specific minimum environmental requirements and performance criteria which will need to be met before an application for development can be considered.

After the assessment of inputs from key stakeholders and information which gathered through the EMF process, management provisions and guidelines will be developed. These proposals and guidelines will be informed by the opportunities and constraints which have been identified and will aim to:

- Integrate the outcomes of the desired state of the environment;
- Clearly define and address management objectives which have been established and identified in the development of the desired state of the environment
- Maximise the opportunities to the benefit of both the environment and development in the area;
- Make clear recommendations regarding the way that development should occur in specific areas;
- Provide guidance as to the environmental thresholds to development in specific areas;
- Identify development that would be appropriate in sensitive areas, and
- Manage the constraints of the area through interventions that seek to protect the environment against significant impacts while being sensitive to the social needs and aspirations in the area.

The management proposals and guidelines could contain some or all of the following, depending on the nature and context of the EMF:

- The conservation status of sensitive environmental attributes in the area;
- The kinds of activities (listed and not listed in terms of section 24(2)(a) of NEMA) that would have a significant impact on attributes;
- The kinds of activities (listed in terms of section 24(2)(c) of NEMA) that would not have significant

- impacts on attributes; and
- The kinds of activities that are undesirable in the area or part of the area.
- Policy guidelines in terms of the EIA regulations, 2010.

The content of the management guidelines should be based on existing policies, statutory provisions and guidelines. This will ensure that the guidelines are defensible and based on existing, recognised and accepted management information. Accordingly, the following issues will also be taken into account in compiling the management guidelines:

- Environmental management priorities in the area;
- Existing statutory and regulatory provisions (eg Acts and regulations);
- Management guidelines sourced from other approved plans and programmes (PSDFs and IDPs that have already been through public review and a consultative process and which have been adopted by the relevant provincial authorities)
- Accepted ordinances and local authority provisions; and
- Existing provincial policies and guidelines.

3.7 Strategic Environmental Management Plan (SEMP)

Once the EMF has been compiled, a Strategic Environmental Management Plan will be compiled. The SEMP will include the following:

- Clear strategies, action plans and guidelines for management to achieve the desired state of the environment (includes defining roles and responsibilities for the implementation of each and every action plan);
- Implementation and monitoring program; and
- Identification of an institutional framework for implementing the recommendations of the EMF.

3.8 Deliverables/Outputs and Formats

Deliverables for this project will be as follows:

- Inception Report
- Draft Environmental Status Quo Report
- Final Environmental Status Quo Report
- Core: Sensitivity and Zonation
- Buffer: Zone of Influence
- Draft EMF including:
 - Draft Desired State of the Environment
 - Draft Environmental Management Zones
 - Draft Environmental Management Guidelines
- Final EMF including:
 - Final Desired State of the Environment
 - Final Environmental Management Zones
 - Final Environmental Management Guidelines
- Draft Strategic Environmental Management Plan

- Final Strategic Environmental Management Plan
- Action Plan(s) for implementation and monitoring of the EMF
- GIS Spatial Information (Maps and Shapefiles)
- EMF summary report.

Deliverables will be made available as follows:

- Power Point Presentation of the outputs of the project to the PSC
- Electronic copies in MS Word and hard copies of all drafts and final reports to all members of the PSC and any other relevant stakeholders
- GIS spatial information to be provided on four (4) external portable devices to the Client
- Four (4) sets of PDF proofs incorporating PSC revisions Open editable files of finished artwork as well as print-ready PDF files to be provided on DVD to DEFF at the close of the project
- Draft Environmental Status Quo Report
- Final Environmental Status Quo Report

4. POLICY AND LEGISLATIVE CONTEXT

The relationship between the EMF and certain key pieces of legislation is important and the following legislation and guidelines will be utilised in the development of the EMF:

National and Provincial Strategic Documents

- National Strategy for Sustainable Development and Action Plan (NSSD 1) 2011–2014
- National Protected Area Expansion Strategy of South Africa 2016 (NPAES 2016)

Municipal Strategic Documents

- City of Cape Town, 2008. Local Action for Biodiversity (LAB) City of Cape Town Biodiversity Report 2008. Cape Town.
- City of Cape Town, 2016. Local Biodiversity Strategy and Action Plan 2016-2026. Cape Town.
- City of Cape Town, 2017. Five-year Integrated Development Plan 2017-2022. Cape Town.
- Berliner D. & Desmet P, 2007. Eastern Cape Biodiversity Conservation Plan: Technical Report. Department of Water Affairs and Forestry Project No 2005-012, Pretoria. 1 August 2007.
- Sarah Baartman District Municipality Integrated Development Plan (2017-22)

Pertinent Acts

- National Environmental Management Act, No. 107 of 1998;
- Spatial Planning and Land Use Management Act 16 of 2013.
- World Heritage Convention Act No. 49 of 1999

Other Relevant Acts and Guidelines

- UNESCO (2011). Operational Guidelines for the Implementation of the World Heritage Convention
- Government of South Africa, 2015. The South African Strategy for the Biosphere Programme (2016-2020). Department of Environmental Affairs, Pretoria, South Africa
- Conservation of Agricultural Resources Act, No. 43 of 1983;
- Department of Environmental Affairs: Public Participation Guideline in terms of NEMA EIA Regulations, 2017;

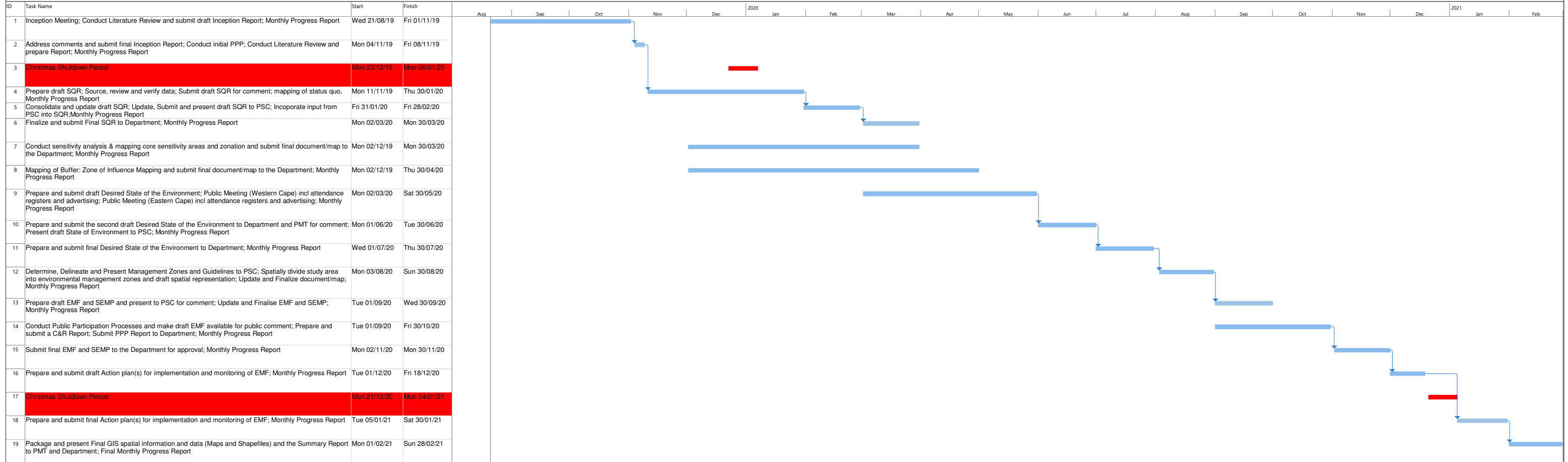
- Department of Environmental Affairs and Tourism: Strategic Environmental Assessment, Integrated Environmental Management, Information Series 10 Guideline Document, 2004;
- Department of Water & Sanitation Integrated Environmental Management Series; Development Facilitation Act 67 of 1995;
- Disaster Management Act, No. 57 of 2002;
- Forestry Laws Amendment Act, No. 35 of 2005;
- National Environmental Management: Environmental Impact Assessment (EIA) Regulations 2014: Government Notices 327, 325 and 324 promulgated in terms of chapter 5 of NEMA, 1998;
- National Environmental Management: Biodiversity Act, No. 10 of 2004;
- National Environmental Management: Integrated Coastal Management Amendment Act, No. 36 of 2014;
- National Environmental Management: Protected Areas Act, No. 57 of 2003;
- National Forests Act, No. 84 of 1998;
- National Heritage Resources Act, No. 25 of 1999;
- National Water Act, No. 36 of 1998.

5. PLANNED PROGRAMME

The following project program represents the estimated schedule for completion of the EMF, taking into account the December holiday period. The program makes no allowances for delays in obtaining relevant information or responses from stakeholders timeously.

MS PROJECT PROGRAMME

DEVELOP AN ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE CAPE FLORAL REGION PROTECTED AREAS WORLD HERITAGE SITE (CFRPA WHS)



6. PROJECT BUDGET

DEFF CAPE FLORAL EMF: MILESTONES/INVOICING					
Milestone / Phase	Output / deliverable	Amount excl VAT	VAT	Amount incl VAT	DUE DATE
1	<ul style="list-style-type: none"> Inception Meeting (Meeting with relevant Government stakeholders & creation of Project Steering Committee (PSC)) Conduct Literature review & submit the draft Inception Report for review and comment and approval; Prepare and submit monthly progress report to the Department. 	R34 640.00	R5 196.00	R39 836.00	1-Nov-19
2	<ul style="list-style-type: none"> Address comments on draft Inception Report; Submission of final Inception report to the Department; Conduct initial Public Participation Process (Identify key stakeholders & relevant government Authorities, compile Interested and Affected Parties database, prepare BID & advert) Source South African legislation and regulations, guidelines and best practices; National and Municipal and project specific documentation/ studies; Review South African legislation and regulations, guidelines and best practices; National and Municipal Documentation/Studies and compile a Literature review report; Submit the Literature Review report to the Department for approval; Prepare and submit the monthly progress report to the Department. 	R87 560.00	R13 134.00	R100 694.00	8-Nov-19
3	<ul style="list-style-type: none"> Prepare a draft Environmental Status Quo Report, and specifically: Source, review and verify biodiversity data and primary resources data (riparian, wetlands, ridges, grasslands, listed ecosystems and species, open spaces, etc.) and write report; Source, review and verify socio-economic data (demographic and economic profiling, assessment of age and heritage status of area, settlement patterns, status of services & infrastructure and transportation inventory) and write report; Source, review and verify planning data (existing land uses, lawful and unlawful land uses, Non-Governmental Organisation initiatives, conflicting land uses) and write report; Source, review and verify agricultural data (cultivated areas, suitable for agriculture, agricultural resource potential) and write report; Source, review and verify Mining applications (current allocations of prospecting rights, mining permits and rights, consider all previous and current and EMPRs) and write report; Source, review and verify Environmental Impact Assessment (EIA) applications (EIA 	R177 948.75	R26 692.31	R204 641.06	30-Jan-20

DEFF Cape Floral Region EMF

Project No. 15307
 Description Final Inception Report
 Revision No. 1
 Date: 31 October 2019



DEFF CAPE FLORAL EMF: MILESTONES/INVOICING					
Milestone / Phase	Output / deliverable	Amount excl VAT	VAT	Amount incl VAT	DUE DATE
	<p>applications authorised and pending, consider all previous and current EIA's, EMPs) and write report;</p> <ul style="list-style-type: none"> • Source, review and verify baseline ambient air quality status and identify areas unsuitable for habitation and write report; • Submit the draft Environmental Status Quo Report to the Department for approval; • Compile composite site sensitivity plan and Outstanding Universal Value of the Cape Floral Region; • Mapping of Status Quo • Prepare and submit the monthly progress report to the Department. 				
4	<ul style="list-style-type: none"> • Consolidate and update the draft Environmental Status Quo Report submitted under Phase 3 above; • Submit the updated Environmental Status Quo Report to the Project Steering Committee (PSC) members; • Present the draft Environmental Status Quo Report to the PSC (Meeting 2); • Update and submit, to the Department, the updated Environmental Status Quo Report which incorporates PSC inputs; • Prepare and submit the monthly progress report to the Department. 	R59 316.17	R8 897.43	R68 213.60	28-Feb-20
5	<ul style="list-style-type: none"> • Finalise the Environmental Status Quo Report and submit it to the Department for approval; • Prepare and submit the monthly progress report to the Department. 	R118 485.00	R17 772.75	R136 257.75	30-Mar-20
6	<ul style="list-style-type: none"> • Conduct sensitivity analysis & mapping core sensitivity areas and zonation and submit final document/map to the Department; • Prepare and submit the monthly progress report to the Department. 	R28 160.00	R4 224.00	R32 384.00	30-Mar-20
7	<ul style="list-style-type: none"> • Mapping of Buffer: Zone of Influence Mapping and submit final document/map to the Department; • Prepare and submit the monthly progress report to the Department. 	R18 560.00	R2 784.00	R21 344.00	30-Apr-20
8	<ul style="list-style-type: none"> • Prepare and submit to the Department a draft Desired State of the Environment for approval; • Arrange and facilitate public participation process (Western Cape) 1X meeting and advertising; • Arrange and facilitate public participation process (Eastern Cape) 1X meeting and advertising; • Use of public participation inputs and a spatial comparison analysis and the Status Quo Report to prepare a draft Desired State of the Environment Report; • Prepare and submit the monthly progress report to the Department; 	R46 500.00	R6 975.00	R53 475.00	30-May-20

DEFF Cape Floral Region EMF

Project No. 15307
Description Final Inception Report
Revision No. 1
Date: 31 October 2019



DEFF CAPE FLORAL EMF: MILESTONES/INVOICING					
Milestone / Phase	Output / deliverable	Amount excl VAT	VAT	Amount incl VAT	DUE DATE
	<ul style="list-style-type: none"> Submit the Attendance Registers for the Western Cape and the Eastern Cape public Participation meetings to the Department. 				
9	<ul style="list-style-type: none"> Prepare and submit the second draft Desired State of the Environment to the Department for approval; Submit the second draft Desired State of the Environment Report to the Department for circulation to Project Management Team for inputs; Present the Draft Desired State of the Environment Report to the Project Steering Committee (PSC) – Meeting 3; Prepare and submit the monthly progress report to the Department. 	R51 250.00	R7 687.50	R58 937.50	30-Jun-20
10	<ul style="list-style-type: none"> Prepare and submit the final Desired State of the Environment Report to the Department for approval; Prepare and submit the monthly progress report to the Department. 	R24 000.00	R3 600.00	R27 600.00	30-Jul-20
11	<ul style="list-style-type: none"> Determine/ Delineate the Environmental Management Zones and Guidelines (including mapping) and submit the document/map to the Department; Spatially divide study area into environmental management zones and draft the draft spatial representation; Present the Determination/ Delineation of Environmental Management Zones and Guidelines to the Project Steering Committee (PSC)- Meeting 4; Update and Finalise the Environmental Zones and Guidelines and submit the final document/map to the Department; Prepare and submit the monthly progress report to the Department. 	R65 100.00	R9 765.00	R74 865.00	30-Aug-20
12	<ul style="list-style-type: none"> Prepare a draft Environmental Management Framework and Strategic Environmental Management Plan (SEMP) and submit to the Department for approval, specifically the SEMF must also include: <ul style="list-style-type: none"> SEMF - Agricultural elements and strategy; SEMF - Biodiversity and conservation elements and strategy; SEMF - resource economics; SEMF - Land use and open space; SEMF - EIA authorisations, biodiversity and conservation permits and forestry licence etc; SEMF - Heritage and eco-tourism; Present the draft Environmental Management Framework and Strategic Environmental Management Plan to the Project Steering Committee (PSC) to workshop SEMF and draft Spatial Development Framework –Meeting 5 ; Update and Finalise EMF and SEMF Report and submit to the Department for approval; 	R76 100.00	R11 415.00	R87 515.00	30-Sep-20

DEFF Cape Floral Region EMF

Project No. 15307
Description Final Inception Report
Revision No. 1
Date: 31 October 2019



DEFF CAPE FLORAL EMF: MILESTONES/INVOICING					
Milestone / Phase	Output / deliverable	Amount excl VAT	VAT	Amount incl VAT	DUE DATE
	<ul style="list-style-type: none"> Prepare and submit the monthly progress report to the Department. 				
13	<ul style="list-style-type: none"> Conduct Public Participation Processes through conducting interviews, focus group meetings, two public meetings in the two (Western Cape and Eastern Cape) provinces; Make the draft EMF available for comment and review by the Public; Prepare and submit a Comment & Response Report and submit to the Department; Submit the Public Participation Report to the Department and the Attendance registers for the Western Cape and the Eastern Cape public meetings; Prepare and submit the monthly progress report to the Department. 	R176 550.00	R26 482.50	R203 032.50	30-Oct-20
14	<ul style="list-style-type: none"> Submit the final Environmental Management Framework and Strategic Environmental Management Plan to the Department for approval; Prepare and submit a monthly progress report to the Department. 	R72 860.00	R10 929.00	R83 789.00	30-Nov-20
15	<ul style="list-style-type: none"> Prepare and submit a draft Action plan(s) for the implementation and monitoring of the EMF to the Department for approval; Prepare and submit a monthly progress report. 	R12 000.00	R1 800.00	R13 800.00	30-Dec-20
16	<ul style="list-style-type: none"> Prepare and submit the final Action plan(s) for the implementation and monitoring of the EMF to the Department for approval; Prepare and submit a monthly progress report to the Department. 	R4 000.00	R600.00	R4 600.00	30-Jan-21
17	<ul style="list-style-type: none"> Package all Final GIS spatial information and data (Maps and Shapefiles) in electronic format; Present the Final GIS spatial information and data (Maps and Shapefiles) and the Summary Report to the PSC (Project closure meeting) - Meeting 6 ; Prepare and submit a Final GIS spatial information and data (Maps and Shapefiles) and the Summary Report for the entire project to the Department for approval; Prepare and submit a final monthly progress report to the Department. 	R17 850.08	R2 677.51	R20 527.59	28-Feb-21
	TOTAL	R1 070 880.00	R160 632.00	R1 231 512.00	

DEFF Cape Floral Region EMF

Project No. 15307
Description Final Inception Report
Revision No. 1
Date: 31 October 2019



7. CONCLUSION

Based on the details of the inception report set out herein and the project team that SiVEST has assembled we believe we will add value to the proposed project and will produce a good quality EMF that will be successfully implemented.

We look forward to making a positive contribution to your project.

FINAL



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APPENDIX A
TERMS OF REFERENCE

FINAL

1. PURPOSE

- 1.1. To appoint a suitable independent Service provider that can support Department of Environmental Affairs (DEA) in collaboration with the South African National Parks (SANParks), Western Cape Nature Conservation Board (CapeNature) and Eastern Cape Parks and Tourism Agency (ECPTA) with the development of an Environmental Management Framework (EMF) for the Cape Floral Region Protected Areas World Heritage Site (CFRPA WHS).
- 1.2. The purpose of the EMF is to guide the environmental management and planning in decision-making in order to amongst others; ensure that the national commitments to the World Heritage Convention are implemented.

2. PROBLEM STATEMENT

Unesco require all 13 Protected Areas Clusters to have effective integrated management plans. Currently a total of 3 of these plans are complete, leaving a total of 12 integrated management plans are due for an update and/ or finalisation. The CFRPA WHS faces pressures with a potential to threaten the long-term integrity of these areas if not managed properly, with many of these emulating from outside threats and influences. Although buffer areas have been delineated, there is concern that these buffer areas may not effectively protect the core CFRPA's WHS. There are various tools that are currently being used in both the Western and Eastern Cape provinces to guide decision making in environmental management and development planning in areas surrounding the core of the WHS. However, these tools may not be aligned sufficiently. There is a need for a comprehensive, strategic environmental management instrument in this case EMF which will effectively incorporate plans and policies.

3 INTRODUCTION AND BACKGROUND

- 3.1 The Cape Floral Region has been recognized as one of the most special places for plants in the world in terms of diversity, density and number of endemic species. It is one of the richest areas for plants when compared to any similar sized area in the world. It represents less than 0.5% of the area of Africa but is home to nearly 20% of the continent's flora. The outstanding diversity, density and endemism of the flora are among the highest worldwide. Some 69% of the estimated 9,000 plant species in the region are endemic, with 1,736 plant species identified as threatened and with 3,087 species of conservation concern. The Cape Floral Region has been identified as one of the world's 35 biodiversity hotspots

- 3.2. Subsequently, the CFRPA WHS was inscribed on the United Nations Educational, Scientific and Cultural Organisation (Unesco) World Heritage List in 2004 under criteria (ix) and (x). At the time of inscription in 2004, the site was made up of 8 protected areas making about 553,000 hectares located in the southwest corner of South Africa, centred on the Western Cape Province but also expanding into the Eastern Cape Province. Following inscription, the site was successfully proclaimed in terms of national legislation as a World Heritage Site on 30 January 2009. Several Committee decisions have welcomed the State Party's intentions to extend the property to include additional areas of value and these areas were approved by the Unesco World Heritage Committee during its 39th session in July 2015.
- 3.3. The approved extension by Unesco bring the size of the World Heritage Site to 1,094,742 hectares thus significantly increasing the size of South Africa's biodiversity areas with outstanding international recognition. The extension also increases the number of protected area clusters making up the Cape Floral Region Protected Areas WHS from 8 to 13 protected areas.
- 3.4. Furthermore a buffer area of 801 367.28 across the CFRPA WHS has been inscribed.

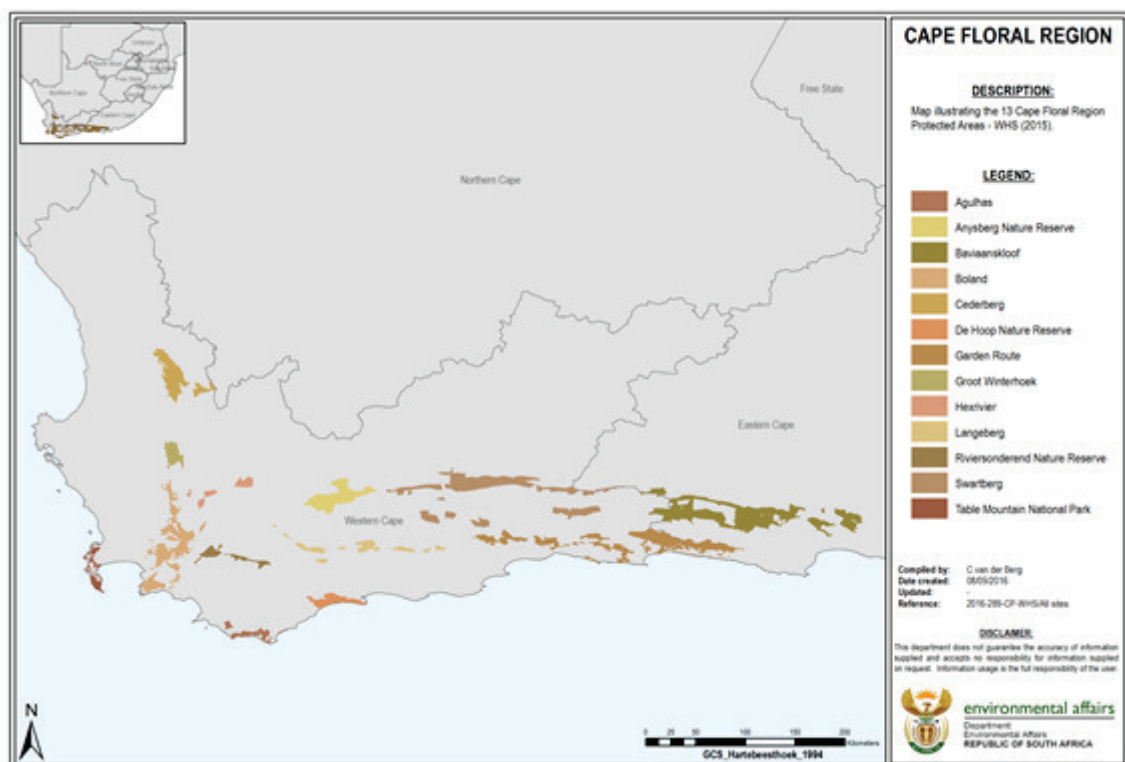


Figure 1: Map indicating the location of the study area, including Unesco approved core and buffer areas, but not including possible buffer extensions, as these will be determined in the study.

4. OBJECTIVES

To develop an EMF in a manner that assists in planning for the core areas of the CFRPA WHS, by filling gaps in current sensitivity mapping and protected area zonation;

- 4.2. To develop an EMF in a manner that will assist in determining the “Zone of Influence”, and, thus, potential buffer expansion areas, for each of the 13 Clusters.
- 4.3. Determine an effective buffer area within which land and water should be managed so as to avoid, minimize, or mitigate for any adverse effects to the core of the CFRPA WHS.
- 4.4. An EMF tool aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plans (buffer) and existing Protected Area Zonation schemes, to serve as a spatial screening mechanism for EIAs in the study area through the augmentation of an environmental constraints dataset which indicates the issues that should be investigated in more detail during the EIA process.
- 4.5. To develop an EMF aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plan Handbooks or similar (buffer), and existing Protected Area Management Guidelines, as a tool that provides strategic context for EIA applications in the study area through the development of management zones dataset to indicate through the decision support matrix whether an envisaged activity is compatible in a specific area/zone or not as seen from a strategic perspective.
- 4.6. To develop an EMF aligned with the Western Cape and Eastern Cape Biodiversity Spatial Plans (buffer) and existing Protected Area Zonation schemes, as a tool to inform strategic spatial planning in the area through the development of management zones dataset which, in future, inform the development of a Spatial Development Framework (SDF) responsible for strategic spatial planning and guiding land use management in the area

5. SCOPE AND EXTENT OF WORK

PROJECT MANAGEMENT

5.1.1 An inception meeting will be hosted by the service provider to:

- Introduce the Consultant to the Project Management Team (PMT).
- Establish the Project Management Team (PMT) which will include DEA, DEA&DP, DEDEAT, SAHRA, Heritage Western Cape, Heritage Eastern Cape, South African National Parks, Western Cape Nature Conservation Board and Eastern Cape Parks and Tourism Agency.
- Clarify the roles and responsibilities of the Project Management Team.

- Clarify the consultation process (i.e. scope, mechanisms and stakeholder groupings to be included).
- Clarify the scope of work of the project.
- Clarify the project plan and time frames for the deliverables.
- All available info (i.e. appropriate and relevant pieces of legislations, tools/instruments, programmes, plans, policies and guidelines documentation) will be indicated and/or provided to the service provider.

5.1.2 STUDY AREA

The study area of the EMF should cover the Unesco approved core and buffer of the Cape Floral Region Protected Areas World Heritage Site. The study area should cover the CFRPA WHS's thirteen (13) Protected Areas Clusters, namely: Baviaanskloof Complex, Cedarberg Complex, Groot Winterhoek Complex, Table Mountain National Park, Boland Mountain Complex, Hexrivier Complex, Riviersonderend Nature Reserve, Agulhas Complex, De Hoop Nature Reserve, Langeberg Complex, Garden Route Complex, Anysberg Nature Reserve and Swartberg Complex, including their associated and inscribed buffer zones (privately owned, declared Mountain Catchment Areas and other private protected areas), as well as possible buffer extensions.

5.1.3 The Service Provider would be responsible to undertake the following activities in different Phases:

PHASE 1: STATUS QUO ASSESSMENT, SENSITIVITY ANALYSIS AND ZONE OF INFLUENCE

- This phase sets the scene in terms of environmental issues, constraints and opportunities within the study area, and steers the realistic conception of the desired state. This 'stock-taking' should be conducted through the lens of a Sensitivity Analysis for core of the CFRPAWHS, and a Zone of Influence delineation to determine a practical buffer area.
- Assess any gaps in the information provided by the Agencies and source the additional data required.
- Conduct a sensitivity analysis on 13 Protected Areas Clusters, using the methodology provided by the Agencies for core CFRPAs [data to be provided by the agencies].
- Propose a standard methodology to determine a "Zone of Influence" for each cluster, in collaboration with the relevant authorities, and present to the PMT for them to adopt a preferred methodology. This methodology should be written up (word doc) and be easily replicable to other South African Protected Areas.

- Delineate a “Zone of Influence” for all 13 Protected Areas clusters.
- Workshop with all the relevant agencies to conduct assessment of threat, pressures and driving forces and pressures on the CFRPA core, the current state of -- and impacts to -- the environment, and the human responses, including opportunities and constraints.

PHASE 2: DESIRED STATE OF THE ENVIRONMENT (DSoE)

- Having produced both a sensitivity map and zone of influence map for all 13 Protected Areas clusters, as well as having identified strategically significant issues and environmental opportunities and constraints, clearly describe the desired future state of the environment for specific geographic areas within the core and expanded buffer areas.
- Clearly describe the desired future state of the environment for specific geographic areas within the core CFRPA WHS.
- Clearly describe the desired future state of the environment for specific geographic areas within the redefined buffer zone/area. Noting that the desired future state has been determined for the full extent of the Western Cape and Eastern Cape Province (outside of protected areas) by the Western Cape and Eastern Cape Biodiversity Spatial Plan, and should serve as a basis for developing these areas. The DSoE must include; *Biophysical issues, including geology, topography and climate, biodiversity and conservation, hydrology and water resources, ecological infrastructure, air quality and agricultural potential; and socio-economic issues, including socio-economic profile, infrastructure development, land use, heritage resources, tourism and mining* and others, The DSoE must identify and detail conflicts between land-use planning, biodiversity issues and agriculture and identify the strategies needed for dealing with those conflicts. The deliverables from this phase is twofold in nature and include: a detailed development vision for the area, and a comprehensive set of development objectives related to the desired future state relating to the priority environmental issues within the area
- Identify development pressures and threats.
- Conduct Public Participation Workshops to engage with relevant stakeholders.

PHASE 3: ENVIRONMENTAL MANAGEMENT ZONES (EMZ) AND GUIDELINES

- In order to aid strategic environmental management in the study area, environmental management zones must be delineated by grouping areas which share the same characteristics together with regards to land use and sensitivity. The EMZ must focus the attention of the relevant authority on the critically important areas and to facilitate effective decision making.

Similarly, EMZ must be developed in such a way as to 'red flag' critical environmental areas to ensure that any development applications lodged in the zones adhere to the management guidelines which will be developed as part of this process.

- Divide the study area into environmental management zones based on the spatial component of the desired state of the environment phase, and directly integrating any existing Protected Area Management Plan zonation products.
- Delineate recommended Environmental Management Zones for 13 Protected Areas clusters and their expanded buffer area.
- Compile EMZ Guidelines

PHASE 4: ENVIRONMENTAL MANAGEMENT FRAMEWORK REPORT

- Draft the Environmental Management Framework with comments from all relevant stakeholders
- Conduct Public Participation Workshops, to engage with relevant stakeholders when drafting the EMF.
- Finalise the EMF in consultation with the relevant stakeholders and submit to DEA (print ready).

6. REPORTS AND DOCUMENTATION

- 6.1 The service provider must make available, a copy of the Power Point presentation of the outputs of the project to the project team.
- 6.2 The service provider is required to provide electronic copies in Ms Word and hard copies of all draft and final reports, to DEA, DEA&DP, SANPARKS, CapeNature and Eastern Cape Parks and Tourism Agency and Joint Management Committee and any other relevant stakeholders.
- 6.3 All GIS spatial information must be provided in four (4) external portable devices.
- 6.4 Allow for 4 sets of PDF proofs incorporating PMT revisions Open editable files of finished artwork as well as print-ready PDF files to be supplied on DVD to DEA at close of project

6. EXPECTED DELIVERABLES / OUTCOMES

- Inception Report
- Draft Environmental Status Quo Report;
- Final Environmental Status Quo Report;
- Core: Sensitivity and Zonation
- Buffer: Zone of Influence
- Draft Desired State of the Environment.
- Final Desired State of the Environment.

- Environmental Management Zones and Guidelines
- Draft Strategic Environmental Management Plan
- Final Strategic Environmental Management Framework
- Action plan(s) for the implementation and monitoring of the EMF
- GIS spatial information (Maps and Shapefiles)
- Summary report.

7. PERIOD / DURATION OF PROJECT / ASSIGNMENT

Project must be completed within.....18..... months or years after the signing of the SLA by both parties.

8. COSTING / COMPREHENSIVE BUDGET

Comprehensive budget must be provided in a separate envelope inclusive of all disbursement costs, expenses and VAT.

9. EVALUATION CRITERIA

9.1 Mandatory Requirements

Must be completed by bidder by answering yes or no and attach proof.

Requirement	Comply: Yes or No
E.g. GIS Specialist;(PLATO registration)	

9.2 Functionality Criteria

9.4.1 Only bid proposals that meets mandatory requirement if is applicable will be considered to be evaluated on functionality criteria,

9.4.2 Stage 1: The bidder must score a minimum of **75%** (depending on the nature of the project) during Stage 1 (functionality / technical) of the evaluation to qualify for Stage 2 of the evaluation where only points for price and B-BBEE will be considered.

9.4.3 The following values/ indicators will be applicable when evaluating functionality:

0 = Non-compliance,1 = Poor; 2 = Fair; 3 = Average; 4 = Good; 5 = Excellent.

APPENDIX B

MINUTES OF INCEPTION MEETING

FINAL



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DRAFT MINUTES

INCEPTION MEETING

DEVELOPMENT OF THE ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE CAPE FLORAL REGION PROTECTED AREAS WORLD HERITAGE SITE (CFRPAWHS)

Venue: Cape Town - Driftsands Nature Reserve

Date: 26 August 2019

Chairperson: Mr Khanyiso Mtolo: Deputy Director: IEM System and Tools

No.	Item(s)	Discussion(s)	Action/Decision	Responsibility
1.	Opening, Welcome and Purpose of the meeting	<p>Mr Khanyiso Mtolo opened the meeting and welcomed all present. He informed everyone that he will chair the meeting on behalf of Mr Moganetsi who could not attend the meeting that day due to other commitments.</p> <p>He reported that, going forward the meetings pertaining to the project would either be Chaired by Ms Thumeka Ntloko, Director: World Heritage Management and/or Mr Simon Moganetsi Director: IEM System and Tools as the senior managers responsible for the project.</p> <p>The Chairperson briefly explained the purpose of the meeting as a forum to engage with relevant stakeholders about the Cape Floral Region Protected Areas (CFRPA) WHS Environmental Management Framework (EMF) project. He indicated that the EMF would be developed in conformity with the National Environmental Management Act (NEMA) 107 of 1998 Sect 24(3) as amended, read in</p>		

		conjunction with Regulations 3 to 5 of the NEMA EMF Regulations (2010) for the period of eighteen (18) Months.		
2.	Adoption of the Agenda	The Agenda was adopted with one (1) additional item: 1. Skills Transfer	Noted by All	
3.	Introductions and apologies	<p>Each member was afforded an opportunity to introduce themselves briefly outlining the institutions they represent and their functions.</p> <p>Formal apologies were received from the following:</p> <ol style="list-style-type: none"> 1. Mr Thumeka Ntloko – Department of Environment, Forestry and Fisheries 2. Mr Simon Moganetsi - Department of Environment, Forestry and Fisheries 3. Mr Wayne Erlank – Eastern Cape Parks Tourism Agency (ECPTA) 4. Mr Norman Johnson – SANParks 5. Mr Thabo Kgomommu – SANParks <p>The Chairperson indicated that Mr Wayne Erlank – Eastern Cape Parks Tourism Agency (ECPTA) indicated that he wants to be involved with the project, but he is currently abroad.</p> <p>Ms Mayile, informed the meeting that Heritage Western Cape will join the meeting late.</p> <p>Members raised a concern the lack of attendance from the Eastern Cape Province.</p>	<ul style="list-style-type: none"> • The Department to engage with ECTPA to ensure participation in future meetings. 	DEFF
4. Matters for Discussion				
4.1	Project Background and Introduction of Service Providers to key stakeholders	Ms Mayile reported that the approval to appoint a service provider for the CFR EMF was granted in 2016. This project was delayed by the Procurement Processes that had to be followed.	No Action taken	

		<p>The Chairperson informed the meeting that Sivest SA Pty Ltd has been appointed for the project following the lengthy process that had to be followed.</p> <p>Ms Liandra Scott-Shaw from Sivest SA Pty Ltd indicated she has been nominated as the Project Manager for the project although there are other team members with expertise whom she would be working with from time to time to ensure the success of this project.</p>		
4.2	<p>Project Plan</p> <ul style="list-style-type: none"> • Scope of Work • Deviation from project schedule • Time frames for the deliverables • Invoicing Timeline • Stakeholder Consultation process • Access to Existing information (Data sourcing and verification) 	<p>No Presentation was made by Ms Liandra Scott-Shaw, However she provided a verbal report as follows:</p> <p><u>1.1 Scope of work</u></p> <p>The project will be completed over the period of eighteen (18) months based on the following deliverables:</p> <ul style="list-style-type: none"> • Inception Report • Draft Environmental Status Quo Report; • Final Environmental Status Quo Report; • Core: Sensitivity and Zonation • Buffer: Zone of Influence • Draft Desired State of the Environment. • Final Desired State of the Environment. • Environmental Management Zones and Guidelines • Draft Strategic Environmental Management Plan • Final Strategic Environmental Management Framework • Action plan(s) for the implementation and monitoring of the EMF • GIS spatial information (Maps and Shapefiles) • Summary report. 	<ul style="list-style-type: none"> • Sivest SA Pty Ltd to ensure that the objectives of the project are clearly stipulated in all the reports to ensure consistency and alignment • Sivest SA Pty Ltd to share the revised Pricing Scheduled/Cost Structure to replace the Pricing Scheduled/Cost Structure of the signed SLA • Sivest SA Pty Ltd to ensure participation of all relevant stakeholders • SANParks, CapeNature and ECPTA to use existing forums/committees to sensitise relevant stakeholders on the ground about the project and also alert them of the skills transfer/training that would be undertaken by Sivest SA Pty as part of the project deliverables 	<p>Sivest SA Pty Ltd</p> <p>SANParks, CapeNature and ECPTA</p>

		<p>The meeting agreed that the objectives of the project be clearly stipulated in all the reports to ensure consistency and alignment</p> <p>1.2 Deviation from project schedule, Time frames for the deliverables, Invoicing Timeline</p> <p>Ms Liandra Scott-Shaw reported that although they have signed the Service Legal Agreement (SLA), Sivest SA Pty Ltd is not in agreement with the Pricing Scheduled and that they will not be able to complete some of the deliverables in one Months as proposed by the department legal service i.e the draft Inception report (Six (6) weeks to finalise V/s the Final Inception report (Two weeks to finalise the report for comments/inputs)</p> <p>They requested that they be afforded an opportunity to adhere to the schedule they have initially submitted to the Department.</p> <p>The chairperson indicated that any changes to the SLA will require Vetting by the legal personnel.</p> <p>1.3 Stakeholder Consultation process</p> <p>The meeting agreed that the project should be Stakeholder consultation driven and all relevant stakeholders to be included in the stakeholder's database for the project.</p> <p>It was reported that there are various forums/committee that exists within SANParks, Cape Nature and ECPTA. These forums to be used to sensitise relevant stakeholders on the ground.</p>	<ul style="list-style-type: none"> • Mr Albert Ackhust to share the contact details of the Coordinatores of the Biosphere reserves <ul style="list-style-type: none"> ○ Coordinators of the Biospheres participate and form part of the Project Steering Committee (PSC). • Sivest SA PTY Ltd conduct training as part of the skills transfer on the use of GIS and the EMF (Screening tool). 	<p>Mr Albert Ackhust</p> <p>Sivest SA PTY Ltd</p>
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		<p>1.4 Policy and Planning Coherence (Man and Biosphere and World Heritage)</p> <p>Mr Albert Ackhust reported that most of the Nature Reserves that form part of the Cape Floral Region Protected Areas World Heritage Site overlap with the Biosphere Reserves. He requested that Coordinators of the Biospheres participate and form part of the Project Steering Committee.</p> <p>1.5 Skills Transfer</p> <p>Ms Mayile reported that the skill transfer is a requirement when a service provider is appointed/outsourced. Hence it was included in the Tender Document</p> <p>She further indicated that when approval to outsource is put forward to the DG, one of the motivation is that there are no skills nor capacity to undertake the project. Hence when the project is completed the Service provider has to transfer skills to the relevant official following completion of the project. The meeting agreed that for the current project, training be offered by Sivest SA PTY Ltd on the use of GIS and the EMF (Screening tool).</p>		
4.3	<p>Establishment of the Project Management Team(PMT)</p> <ul style="list-style-type: none"> • Roles and responsibilities DEFF and Service Providers • Roles and responsibilities of the PMT • Roles and responsibilities of the Project Steering Committee (PSC) 	<p>The Chairperson indicated that with his experience, he has noticed that the PMT and PSC are similar and they discuss similar items and are attended by the same officials. He suggested that one committee be established.</p> <p>Everyone concurred with the decision for the establishment of one Committee i.e PSC. The following Department/institutions will constitute the PSC meeting:</p> <ul style="list-style-type: none"> ▪ Department of Environmental Affairs and Development Planning (DEA&DP), 	<ul style="list-style-type: none"> • Sivest SA Pty Ltd to collate contact information pertaining to the relevant Local and District Municipalities in both Western Cape and Eastern to form part of the stakeholder list and engage them accordingly. • PSC meetings to be scheduled in advance. Four (4) PSC meetings to be held. 	<p>Sivest SA Pty Ltd</p> <p>DEFF</p> <p>DEFF</p>

		<ul style="list-style-type: none"> ▪ Department of Finance, Economic Development, Environmental Affairs and Tourism (DFEDEAT), ▪ South African Heritage Resources Agency (SAHRA), ▪ Heritage - Western Cape, ▪ Heritage - Eastern Cape, ▪ South African National Parks (SANParks), ▪ Western Cape Nature Conservation Board; and ▪ Eastern Cape Parks and Tourism Agency (ECTPA) ▪ Representatives (Chairperson) of the Biosphere Representatives <p>The chairperson emphasised the importance of engaging local and district Municipalities. It was suggested that the service provider collate information pertaining to the relevant Municipalities and engage them accordingly.</p> <p>The chairperson further suggested that the PSC meeting dates be scheduled well in advance to ensure greater participation. Furthermore it was agreed that meeting held in either WC or EC should be targeted to be held in conjunction with the Project meetings to avoid travelling cost and meeting fatigue.</p> <p>The meeting agreed that five (5) PSC meetings would be held. The Inception meeting held, remaining meetings four(4).</p> <p>The meeting agreed that in addition to the meeting being held and formal emails being sent, it is critical to formally introduce the service provider to all the relevant departments/institutions that form part of the Project Steering Committee (PSC) meeting through formal letters to the relevant CEO and HOD's. This will ensure that there are standing nominees who will be in attendance in all the PSC meeting to be scheduled pertaining to this project.</p>	<ul style="list-style-type: none"> • The Department to craft formal letters to the relevant department to formally introduce the Service Provider and also nominate officials to participate in the PSC meetings from the following institutions: <ul style="list-style-type: none"> ○ Department of Environmental Affairs and Development Planning (DEA&DP), ○ Department of Finance, Economic Development, Environmental Affairs and Tourism (DFEDEAT), ○ South African Heritage Resources Agency (SAHRA), ○ Heritage - Western Cape, ○ Heritage - Eastern Cape, ○ South African National Parks (SANParks), ○ Western Cape Nature Conservation Board; and ○ Eastern Cape Parks and Tourism Agency (ECTPA) ○ Representatives (Chairperson) of the Biosphere Representatives 	
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		<p>Venue:</p> <p>The meeting agreed that Central venue be used to accommodate attendance from all stakeholders in both WC and EC Province. The following Venues were proposed for future meeting: Baviaanskloof – 2nd meeting Tsitsikama – 3rd Meeting Bontebok nature reserve – 3rd Meeting</p> <p>The other meetings would alternate between the Protected Areas managed by the SANParks, Cape Nature and ECTPA</p>		
4.4	Identification and or presentation of project documents needed	<p>The following Documents were identified as the relevant tools for the project:</p> <ol style="list-style-type: none"> 1. GIS information/Database 2. SDF's 3. EMF's 4. Management Plans 5. Tools used by Local and District Municipalities in the WC and EC Province <p>Ms Liandra Scott-Shaw requested that relevant documents be made available to assist in the success finalisation of the project. She informed the meeting that she will share a link (Google drive) which can be used to load the documents.</p>	<ul style="list-style-type: none"> • PSC members to provide Sivest Pty Ltd with all the relevant information/ documents to avoid duplication of the already existing information • DEFF, SANParks, ECTPA and Cape Nature to provide access to the GIS Data 	PSC members
4.5	Date for next meeting	The Next PSC meeting to be held in Baviaanskloof on 12 or 13 November 2019.	Next PSC meeting to be held in Baviaanskloof on 12 or 13 November 2019.	
4.6	Closure	The Chairperson thanked Cape Nature for hosting the meeting and wished everyone a safe trip back home		



Culture Sector
World Heritage Centre

United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

H. E. Mr Tebogo Seokolo
Ambassador Extraordinary and
Plenipotentiary to France
Permanent Delegate of the
Republic of South Africa to
UNESCO
Embassy of South Africa
59, Quai d'Orsay
75343 Paris Cedex 07

Ref.: CLTWHC/AFR/2019/596

3 September 2019

Dear Ambassador,

I wish to inform you that the UNESCO World Heritage Centre has received third party information (enclosed) about the stakeholders' concerns over the management of the Table Mountain National Park within the Cape Floral Region Protected Areas World Heritage property in South Africa.

We are sending this information to you in accordance with Paragraph 174 of the *Operational Guidelines* to enable us to verify it with your authorities concerned.

I take this opportunity to remind you that by Decision **42 COM 7B.94**, the World Heritage Committee has requested the State Party of South Africa to submit to the World Heritage Centre, by **1 December 2019**, an updated report on the state of conservation of the Cape Floral Region Protected Areas World Heritage property and the implementation of its decision, for examination by the Committee at its 44th session in 2020. You may wish to report on the above-mentioned issue as part of this report.

Thanking you for your co-operation and your continued support in the implementation of the *World Heritage Convention*, I remain,

Yours sincerely,


Mechtild Rössler
Director

Enc.

cc: South African National Commission for UNESCO
Department of Environmental Affairs of South Africa
UNESCO Office in Harare
IUCN

**Extract of the information received by the World Heritage Centre on
30 July 2019 regarding the Cape Floral Region Protected Areas World
Heritage property (South Africa)**

25 July 2019

Dear Minister Creecy

Tokai Park and Table Mountain National Park (TMNP)

Table Mountain National Park's management approach has seen failures and public concerns since the early 2000s. Of key concern is the management of an urban national park driven by rural park protocols. Additionally, in recent years the Park has been under rudderless management, with the park head being either deeply ineffectual or an acting appointment. The results have been predictably disastrous:

- an attempted abrogation of a key agreement, followed by the unsuccessful defence of the attempt, at notable public expense, as far as the Supreme Court of Appeal;
- the Park Forum being allowed to fall into disuse, and, in a failure to understand environmental legislation, resulting in public participation and consultation obligations going unmet;
- a general level of contempt for the human dimensions of SANParks' mandate, and a palpable contempt for the many communities of Cape Town who have enjoyed the Park for generations;
- growing concern over access and fees, safety, fire risk, human-wildlife conflict, alien infestations;
- a failure to comprehend, and above all, the failure to acknowledge and act upon the Park's unique status as an urban national park.

SANParks head office seems to be content in the face of these growing issues, seemingly concerned only with milking revenue from the Park for its own purposes and evidently driven to bring TMNP in line with rural parks. Since SANParks is clearly unwilling to correct the decline and is intent on ignoring the urban nature of TMNP, we believe that Ministerial direction is required to install and support appropriate leadership and management protocols.

The former Cape Peninsula Protected Nature Environment – now Table Mountain National Park – has always been the recreational backyard of Capetonians. However, since the City of Cape Town awarded the management tender to SANParks in 1997, Capetonians have come to feel increasingly excluded from “their” park. At a recent meeting with Dr Guy Preston to discuss alien infestations and fire risks on the slopes of Constantiaberg, he advised that Capetonians should stop thinking of the Park as “theirs” and should accept that they needed to pay for access and activities. While many people willingly do this in the interests of conservation, they equally feel that if they are obliged to pay, they should be kept safe, enjoy transparent consultation, and that the Park should be kept in good order. However, with revenue from the Park going to Pretoria, where we are advised it is divided up to support smaller Parks, there is a growing sense that TMNP

is a cash cow and that locals are increasingly bearing the brunt of numerous failures, which look set to grow worse.

At present there are several issues which we believe require your intervention:

1. The ongoing situation regarding crime, including poaching.
2. The megarisk of disastrous wildfires as the result of alien infestations and eroded and impassable jeep tracks that make it close to impossible to fight fires from the ground. (This is particularly severe in Upper Tokai.)
3. The ongoing lack of transparency and effective engagement between SANParks and public.
4. The ongoing plea of “lack of resources” to effectively manage the Park.
5. The shrinkage and loss of originally declared buffer zones since the proclamation of the Park and the associated wildland urban interface risks and threats. Bear in mind that in this time of climate crisis the buffer zones should and can play a critical role in the health of the City and serve to protect pristine parts of the Park from urban influences.
6. The management strategies of a national park in an urban setting that fails to take effective cognisance of the urban environment, and focuses on international biodiversity conservation mandates to the exclusion of people.
7. Finally, and the focus of this appeal, the ongoing failure of senior Park management to engage with our organisation, Parkscape, following on our litigation against SANParks and our subsequent wins in both the High Court and the Supreme Court of Appeal, and the ongoing resistance to hosting the required public participation process pertaining to the matter.

The detail of this final point follows in the attached document, and I trust it will provide you with some insight into the grounds for the formation of the Park and the undertakings given in doing so. I also hope that it will clarify why there are issues, and highlight the nature of some of these issues. In doing so, I hope that you will be able to assist in addressing these issues without the need for either Parkscape or the Department of Environment to go to court again – as we have been advised by Dr Guy Preston will happen if Parkscape persists in seeking a balanced, urban focused outcome that meets the needs of both biodiversity and people in the contested space that is Lower Tokai. I thank you for your time and consideration in this matter, and look forward to your favourable response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky Schmidt', with a long horizontal line extending to the right.

Nicky Schmidt
Chairperson: Parkscape

What is Parkscape?

Parkscape is a community and environment-focused voluntary Non-Profit Organisation. It was formed in the wake of the 2015 Cape Town fires and as a direct result of the rape and murder of a 16 year-old girl in the conservation area of Lower Tokai of Cape Town. Our personal Paris Pledge is to “Create a culture of people-centric environment planning bringing together biodiversity, shaded recreation, urban greening & social upliftment”. Our vision, particularly as it pertains to our current area of focus (Lower Tokai), is the creation of a community and environment-focused urban greenspace that meets both people and biodiversity needs by providing opportunity for sun and shade, biodiversity conservation, culture and heritage, social upliftment, tourism, employment, education and above all, **safe** recreation to meet the needs of existing and new users of the Lower Tokai Park area. The area should serve as a critical buffer between pristine biodiversity and the urban interface. Our vision for Lower Tokai slots in directly to the UN Sustainability Goals (of which South Africa is a signatory), particularly Goal 11, which calls for the creation of safe and sustainable cities and the creation of green spaces in a way that is both participatory and inclusive. Critically, Goal 11 calls for the provision of access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities. Our vision also fits within the context of National Park Cities.

The Historical Context:

In understanding the contested space that is the Tokai section of Table Mountain National Park, it is critical to understand the historical context.

In 1993, prior to the creation of Table Mountain National Park, the Premier of the Western Cape commissioned Professors Richard Fuggle and Roy Siegfried and Dr John Raimondo of UCT's Environmental Evaluation Unit to investigate the streamlining of conservation endeavours by consolidating the Cape Peninsula Protected Natural Environment into a single entity, under the management of a single authority. The commissioned study and extensive public participation process gave rise to The Multipurpose Use for the Cape Peninsula report (also known as the Fuggle Report). The Report was clear on the subject of recreation and the criticality thereof. It stated, *“The Cape Peninsula is treasured not only for its rich diversity of species but also the unique opportunities it presents for recreation, inspiration and relaxation in an otherwise stressful urban environment.”* It further noted that, *“Open spaces for recreational pursuits are an essential element of urban environments. During the years of apartheid, the mountainous areas of the Cape Peninsula where one of the few areas where black people were allowed to recreate, relax and escape from tense living conditions. In a city where open space is a luxury for the majority of its people, the Cape Peninsula provides a welcome and scenically attractive refuge from a stressful urban environment, and is an asset of unsurpassed recreational value to the citizens of and visitors to the Cape Metropolitan Area.”* Arising from the conclusions of the public participation process it was accepted that the lower slopes of the mountain (below the contour path) should remain as is, that the plantations of Tokai and Cecilia would be retained, that the public would have free access to walk and enjoy other recreational activities such as horse riding, dog-walking, mountain-biking, picnicking etc.

In 1995 a further report (known as the Huntley Report) prepared by the Kahn Commission acknowledged and referred to the findings of the Fuggle Report, and noted that the nature of any entity managing the consolidated nature area, *“must be to act as the custodian of the Cape Peninsula Protected Area [CPPA], serving the public's interest*

through conserving and enhancing the area's rich physical and biological diversity, scenic beauty and cultural assets and enabling the responsible and sustainable use of the area." The report also stipulated that the managing entity must provide *"for the needs of the metropolitan area and the public in general on a sustainable basis"* and that the Zoning *"must recognise the use of the area as a recreational asset..."* It further noted that any managing authority must be committed to the principles of public participation, which should include consultation with the public at *"all stages of the planning process and their involvement as far as it is practical in the implementation of these plans."*

In 1997 Parks Board was awarded management of the Park - this despite opposition and concerns that the Authority's traditional value system of "nature conservation is paramount" would be applied to the management of the park, to the detriment of the people of Cape Town. In 1998, having received assurances from the then-Director of the Parks Board that the Authority would not seek to impose on the Cape Peninsula the primacy of biodiversity values such as was used for managing other South African National Parks, the City of Cape Town entered into an agreement with the Parks Board for the consolidated management of the then Cape Peninsula National Park.

Since inception, however, there has been ongoing conflict and tension between stakeholder and interest groups and Park management, particularly as regards safety, access and public consultation. Matters have reached a head on several occasions, and one particular matter of contestation pertains to the retention of shaded recreation in the Park as originally provided by the plantations of Tokai, Cecilia and Newlands. The Fuggle Report had noted that *"Both Cecilia and Newlands forests are effectively managed for recreational purposes only, and are considered distinctive components of the Peninsula's cultural landscape."* The Report advised that the use of existing alien forest plantations should be promoted, *"for recreational purposes, including activities which require shade and shelter from the wind (e.g. picnicking); easily accessible and non-strenuous walking, particularly for the elderly and disabled; and mushroom picking."* It further advised that vehicle tracks in forest plantations be maintained *"for walking, for cycling and horse-riding where suitable, and for emergency vehicles only."*

The Forestry Exit Strategy:

The conflict between public and SANParks first reached a head in 2005 when the public learned from the Table Mountain Management Plan (2006) that the plantations of Tokai and Cecilia were, on the recommendation of Dr Guy Preston, advisor to then-Minister Sonjica, to be felled as part of a Forestry Exit Strategy for the Western Cape. A previous media release from the Minister's office stated that *"Tokai and Cecilia will be managed by MTO in terms of a 20 year lease during which they will gradually clear-fell the area where after it will be released for conservation."* There had been limited consultation with forestry companies and no consultation with the public, and the decision ignored the findings of the Fuggle and Kahn Commission reports and the undertakings made by SANParks. The decision further ignored the undertakings previously made to the public by Ministers Kasrils and Radebe with regard to the restructuring of the State's forestry assets. Minister Kasrils, in particular, had stated in a 2003 media release that, *"Due to their location, Tokai and Cecilia plantations are an outdoor refuge for thousands of nearby city dwellers, particularly for previously disadvantaged communities living in the nearby Cape Flats area. Exceptionally huge pine and eucalyptus trees that were planted at the inception of the plantation in the 1880s create a unique environment of scenic beauty and tranquillity within the city boundaries of Cape Town. The plantation areas are used for various sporting and recreational activities, such as jogging, mountain biking, and horse*

riding as well as hiking. The formalised picnic areas are exceptionally popular with people from areas around Cape Town with more than 100 000 visitors annually. These activities should remain part of the plantations' management plan allowing public access and enjoyment of the area as well as commercial forest activities."

The Tokai Cecilia Management Framework:

An understandably enraged public grouped themselves in 2006, and during the period from 2006 to 2008 intense negotiations between public and SANParks ensued. The result was a document known as the Tokai Cecilia Management Framework (TCMF). With SANParks holding to its biodiversity mandates, it was a poor compromise for the public at best, but nevertheless afforded the retention of some urban shade areas on a transitional basis for a few more decades. The matter arose again in 2010 when a new organisation took up the fight and proposed that instead of impermanent transitional plantings of pines, SANParks consider permanent plantings of indigenous shade trees to meet the public's recreational needs. SANParks rejected the proposal in its entirety. It did, however, in 2012, undertake to review the TCMF on a five yearly basis. To date no such review has taken place.

Litigation Parkscape vs SANParks:

The 2015 – 2025 Table Mountain National Park Management Plan excluded the Tokai Cecilia Management Framework on the basis that it would have to be renegotiated via a public consultation process in the light of the 2015 fires, which had damaged several compartments of the Tokai plantations. The public consultation process was to have taken place in 2018. However, following on the fires SANParks applied pressure to MTO Forestry to bring forward harvesting schedules to exit the area in entirety by the end of 2016. With no groups active with regard to the Tokai Cecilia Management Framework since 2012, the public, embracing conservation efforts, didn't comment on the felling in Upper Tokai, and SANParks, equally, did not consult with the broader public, though it did engage with a handful of groups sympathetic to its intent. When felling commenced, unannounced, in Lower Tokai – an area much loved and known for its recreational opportunities - public outrage ensued. Parkscape sought an urgent High Court Interdict against both MTO Forestry and SANParks. The interdict resulted in two court cases – one in the High Court and one in the Supreme Court of Appeal, and both won by Parkscape on the basis of Administrative Justice. (MTO did not Appeal the High Court ruling.) The judgements were clear that SANParks needed to consult with the public with the same level of negotiation that had resulted in the creation of the Tokai Cecilia Management Framework.

The Present:

Since the judgement in May 2018, Parkscape has endeavoured to ascertain when SANParks TMNP will host the required Public Participation Process. TMNP Management have to date indicated that they continue to wait on their legal department for guidance. In the interim tree groves that should have remained per the Tokai Cecilia Management Framework, have been removed; an indigenous and non-invasive exotic tree grove that might have remained to make up for the loss of the plantations has been ringbarkedⁱ; the Tokai Arboretum, a national heritage site, which, for the most part survived the fires, is in a state of neglect and SANParks claim not to have the resources to manage it; several healthy redwood trees, part of a protected champion grove, have been felled. And all this is done in the name of international biodiversity mandates – when, the reality is that

since the clear felling of Upper Tokai, the area has become a growing ecological catastrophe as alien infestations blanket the slopes, creating a massive wildfire risk.ⁱⁱ Working on Water crews have not been able to manage the infestations, and the TMNP fire manager is concerned that conservationists and TMNP conservation management are not calling for the necessary prescribed burns to manage the infestations. Thus in addition to renegeing on the original undertakings of managing TMNP as a “people’s park”, we also see an increasing inability to manage the Park not just for people, but for conservation, as the result of the continually stated “lack of resources”. We equally see a focus on fynbos conservation to the exclusion of other vegetation types such as Afrotropical forests and renosterveld. While the criticality of conserving the fynbos biome, particularly critically endangered species, is not underestimated, the reality of urban living also cannot be ignored.

In a meeting with Dr Guy Preston on 14 March 2019, Dr Preston made it clear that should Parkscape pursue its vision, the Department of Environment would litigate against Parkscape. He also made it clear that the Parkscape vision for accessible, safe and shaded recreation in Lower Tokai would not be allowed. This approach would seem to reinforce the intent to renege on the Tokai Cecilia Management Framework and to disregard public opinion on the matter. It certainly speaks to a decision that has been arrived at without due public consultation, as required by environmental legislation. And it most certainly ignores the nature of, and the opportunities for, the effective management of an urban national park in a time of climate crisis.

ⁱ In 2006, Park Manager, Brett Myrdal, recognised the relevance of this grove: “Some 30 years ago, a forester with great foresight planted a variety of indigenous trees in an area of the Tokai picnic site. Today these stand 20 metres tall and provide beautiful shade for picnickers and anyone seeking cool from the sun. There is no reason why we cannot repeat this initiative and also create cool, shaded, recreation landscapes reminiscent of the real forests of the Cape Peninsula” *Brett Myrdal - Cape Times, 26 September, 2006*

ⁱⁱ Had SANParks not insisted on driving a clear-felling process of the whole of Upper Tokai in the wake of the fires, it would have been able to restore biodiversity on a block by block basis, not unlike what was envisaged via the original harvesting schedules. The line that SANParks adopted to say that MTO Forestry drove this clear-felling is disingenuous, as conversations with the CEO of MTO have revealed.



environmental affairs

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Dr Gisela Kaiser

Executive Director: Informal Settlements, Water & Waste

City of Cape Town

P O Box 298

CAPE TOWN

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Fax: (+27) 21 400 0500

Attention: Dr Gisela Kaiser

Email: Gisela.kaiser@capetown.gov.za

Dear Sir/Madam

NOTIFICATION OF INTENTION TO REVOKE A DIRECTIVE ISSUED IN TERMS OF SECTION 30A(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (AS AMENDED) (ACT NO 107 OF 1998) ("NEMA") ISSUED TO THE CITY OF CAPE TOWN FOR THE PROVISION OF ADEQUATE WATER SUPPLY IN RESPONSE TO THE THEN WATER CRISES EXPERIENCED BY THE CITY AT THE TIME

A. INTRODUCTION:

Reference is made to the following:

1. the information provided by the City of Cape Town with regard to the drought relief status quo;
2. SANPARKS' complaint about the protection of Table mountain as part UNESCO Conservation areas which informs State of Conservation report to UNESCO for the Cape Floral Region World Heritage Site, including the issue of drilling in this area;

3. your mail correspondence dated 13 March 2018, pertaining to Section 30A(2) of the NEMA, requesting the competent authority to issue a Directive in terms of section 30A of NEMA, 1998 (Act 107 of 1998) to address the drought situation viewed back then as an emergency situation related to the water supply crisis experienced in the City of Cape Town; and
4. the verbal directive issued to you Dr Gisela Kaiser, as the Executive Director: Informal Settlements, Water & Waste of the City of Cape Town and confirmed in writing on the 12th of April 2018, in respect of the drought relief measures in order not to allow a total shutdown of water supply;

B. INTENDED ACTION

5. I, **Sonnyboy Bapela**, in my capacity as the Chief Director: Compliance at the Department Environment, Forestry and Fisheries acting under authority delegated to me by the Minister, having considered all relevant information hereby provide you, Dr Gisela Kaiser, as the Executive Director: Informal Settlements, Water & Waste of the City of Cape Town, with written notice of my intention: to revoke the verbal directive pursuant to Regulation 13 of the Regulations relating to the procedure to be followed when oral requests are made in terms of section 30A (GNR 310 of 2015) ("the Regulations").

C. REASONS LEADING TO THE DECISION

6. Cape Town experienced a period of severe water shortage in the Western Cape region, most notably affecting the City of Cape Town;
7. While dam water levels were declining since 2015, the Cape Town water crisis peaked during mid-2017 to mid-2018 where water levels hovered between 15 to 30 per cent of total dam capacity;
8. In late-2017, there were first mentions of plans for "Day Zero", a shorthand reference for the day when the water level of the major dams supplying the City fell below 13.5 per cent;
9. In late -2017, the former Minister of Water and Sanitation, Ms Nomvula Mokonyane, issued a directive to the Trans Caledon Tunnel Authority for the implementation of the Cape water supply augmentation project which focused on the Berg /Voelvléi augmentation scheme and as a way to avert Day Zero;
10. "Day Zero" would herald the start of Level 7 water restrictions, where municipal water supplies would mostly be switched off, and residents would have to queue for their daily ration of water, making the City of Cape Town the first major city to potentially run out of water, and the point at which Cape Town's municipal water supply would be shut off;

11. The City of Cape Town implemented significant water restrictions in a bid to curb water usage, and succeeded in reducing its daily water usage by more than half to around 500 million litres per day in March 2018;
12. The fall in water usage, combined with intense rains received on June 2018, led dam levels to increase steadily, and for the City to continually postpone its estimate for "Day Zero";
13. In September 2018, with dam levels close to 70 per cent, the city began easing water restrictions, indicating that the worst of the water crisis is over;
14. By changing the city's habits, along with the welcome return of some rains, the City of Cape Town managed to avert the worst of the water scarcity crisis it ever experienced;
15. Though the drought cycle could extend beyond four years into a ten-year period and demand exploring groundwater resources, water augmentation interventions and demand management of water, the risk of future shortages remain noting that South Africa is one of the world's driest countries. Therefore, the demand for water continues and is expected to reach 17.7 billion m³ by 2030;
16. On the 13th of June 2018, the former Cooperative Governance and Traditional Affairs Minister Zweli Mkhize decided not to renew the state of the national drought disaster when it lapsed on 13 June 2018, on the basis of the May 2018 findings of the National Joint Drought Coordinating Committee (NJDCC) which conducted assessments that showed that the acute phase of the drought in the Western Cape and two other provinces was at its end and was now entering the "resilience-building phase".
17. The resilience-building phase is currently the City of Cape Town's key focus in dealing with drought, increasing resilience and reducing vulnerability to drought and as a concern for adaptation to climate change but not as an immediate relief sought in terms of a section 30A of NEMA directive;
18. The City of Cape Town and the National Department of Water and Sanitation measures dam levels to check how much water is available for the region and whether water restrictions are necessary for residents and businesses. While dam levels are critical for Cape Town's water supply, current dam water levels as of the 22 October 2019, at Berg River, Steenbras Lower, Steenbras Upper, Theewaterskloof, Voëlvlei and Wemmershoek remains above average as reflected in the City of Cape Town's website, See Annexure 1;
19. Based on the preceding description of the developments in the City of Cape Town's response to the drought, I, **Sonnyboy Bapela**, in my capacity as the Chief Director: Compliance at the Department Environment, Forestry and Fisheries, and acting under authority delegated to me by the Minister, having assessed the scene of the emergency situation and considered all the above information and the associated Annexures, reasonably believe that the circumstances are now materially different from those defined in Section 30A (7) of the NEMA because dam levels no longer pose an imminent and severe threat to the environment, human life or property, including a 'disaster' as defined in section 1 of Disaster Management Act, 2002 (Act No. 57 of 2002).

D. INTENDED ACTION

20. Based on the foregoing, it is my intention to, with immediate effect, revoke the verbal directive issued to you, Dr Gisela Kaiser, as the Executive Director: Informal Settlements, Water & Waste of the City of Cape Town, and confirmed in writing on the 12th of April 2018, in respect of the drought relief measures in order not to allow a total shutdown of water supply.

E. PROCEDURAL REQUIREMENTS

21. You are hereby provided with an opportunity to provide written reasons to this Department, within forty eight (48) hours from the time of receipt of this notice of intention to revoke the verbal directive, explaining as to why this Department should not exercise its discretion in terms of section 30A of NEMA read together with regulation 12 of the Regulations Relating to the Procedure to be Followed when Oral Requests are made in terms of Section 30A (GNR 310 of 10 April 2015) and revoke the verbal directive.

F. IMPLICATIONS OF REVOKING A DIRECTIVE

22. The intention to revoke the Section 30A issued to you means that if the City of Cape Town wishes to carry out a listed activity/(ies) in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998), It may do so by subjecting concerned projects to an Environmental Impact Assessment (EIA) process and obtain the necessary Environmental Authorisation (EA) through the prescribed procedures for obtaining an EA.

G. OFFENCES & PENALTIES

23. In terms of regulation 15, it is an offence for any person to, willfully, knowingly or negligibly, provide incorrect or misleading information, orally or in writing, to the competent authority or an environmental management inspector. Regulation 16 provides that a person convicted of such offence is liable to a fine not exceeding R10 million or to imprisonment not exceeding 10 years, or to both such a fine and such imprisonment.

24. In addition, section 49A(1) of NEMA provides that:

"A person is guilty of an offence if that person-

(e) unlawfully and intentionally or negligently commit any act or omission which causes significant or is likely to cause significant pollution or degradation of the environment;

(f) unlawfully and intentionally or negligently commit any act or omission which detrimentally affects or is likely to affect the environment in a significant manner."

25. Section 49B(1) of the NEMA further provides that "A person convicted of an offence in terms of Section 49A(1)(e) and (f) is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine of such imprisonment."

26. should you be unclear about any aspect of this communication, kindly contact the person indicated for enquiries above as soon as possible, but in any event within two (2) calendar days of receipt of this notice.

Kindly contact the person indicated above for enquiries in writing as soon as possible should you be unclear about any aspect of this notice.

Yours sincerely



MR. SONNYBOY BAPELA

CHIEF DIRECTOR: COMPLIANCE

DEPARTMENT OF ENVIRONMENT, FORESTRY & FISHERIES

DATE: 23-10-2019

CC:

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Annexure 1: Current Dam Water Levels - 22/10/2019

Major dams	Storage	
	MI	%
	Capacity when full	22/10/2019
	MI	%
Berg River	130 010	97.7
Steenbras Lower	33 517	92.4
Steenbras Upper	31 767	80.2
Theewaterskloof	480 188	69.9
Voëlvlei	164 095	87.1
Wemmershoek	58 644	91.2
Total Stored MI	898 221	715 575
% Storage		79.7

Reading for the week, 21 October 2019 vs previous week

Weekly Water Levels - 21/10/2019 compared to this day last week and this day last year (2018)			
Major dams	21/10/2019	Previous week	% 2018
Berg River	97.8	99.1	99.3
Steenbras Lower	92.6	94.6	89.2
Steenbras Upper	81.1	83.5	81.7
Theewaterskloof	69.7	70.6	58.8
Voëlvlei	87.3	88.2	96.7
Wemmershoek	91.4	91.6	93.0
Total Stored MI	715 619	724 411	680 577
% Storage	79.7	80.6	75.8

Source: <http://www.capetown.gov.za/Family%20and%20home/residential-utility-services/residential-water-and-sanitation-services/this-weeks-dam-levels>



environmental affairs

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DIRECTIVE IN TERMS OF SECTION 30A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") IN RESPECT OF THE CURRENT EMERGENCY SITUATION: THE PROVISION OF ADEQUATE WATER SUPPLY IN RESPONSE TO THE WATER CRISES WITHIN THE JURISDICTION OF CITY OF CAPE TOWN

Dear Madam,

Your mail correspondence dated 13 March 2018, pertaining to Section 30A(2) of the NEMA, requesting the competent authority to issue a Directive in terms of section 30A of NEMA, 1998 (Act 107 of 1998) to address the current emergency situation related to the water supply crisis being experienced in the City of Cape Town, refers.

1. The National Department of Environmental Affairs (hereinafter referred to as "DEA") herewith **issues the City of Cape Town a Directive In terms of Section 30A of NEMA** in order to carry out listed activities (in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended)) where this Department is the Competent Authority, related to the implementation of interventions to address the current water shortage emergency situation in the City of Cape Town.
2. This Section 30A directive shall remain in effect (from the date of decision) for the duration that the Western Cape Province remains a declared disaster area as defined in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002), and until such time that the City of Cape Town can demonstrate its ability to provide adequate water supply to all the areas which fall within the affected jurisdiction.

SWMB

3. Nature, Cause, Impact and Scope of the Emergency Situation

- 3.1. On 24 May 2017, the Premier of the Western Cape, officially declared the Western Cape a Provincial State of Disaster under section 41(1) of the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 3.2. The disaster declaration in 1 above was meant to accelerate the development of strategies to curb the water crisis experienced in the province;
- 3.3. The current extreme drought, which has worsened since the Disaster declaration, is having significant socio-economic impact in several regions of South Africa and notably the City of Cape Town, where portable drinking water is desperately short with potential effects on human health and life;
- 3.4. The current drought induced a desperate shortage of water for the City of Cape Town and surrounding communities with severe detrimental risks to communities, agriculture and industries;
- 3.5. The threat and the associated risks that the current emergency water supply situation poses to persons, property, the economy, and life in general within the Western Cape is immediate and imminent;
- 3.6. The competent authority concurs with the need and desirability to implement emergency measures or interventions to address the current water shortages within the Western Cape; and
- 3.7. The competent authority also concurs that the listed activities triggered by the proposed interventions are wide ranging including excavation and construction of water conveyance systems, canals, dams, and waste discharge related activities, as per listing Notices 1, 2 and 3 of the NEMA EIA Regulations 2014.

4. Potential measures or Interventions including proposals to prevent and/or to contain the emergency situation and/or to prevent, contain or mitigate the effects of the emergency situation

Potential measures or interventions that may trigger listed activity in terms of the NEMA EIA Regulations, 2014 (as amended) may include, *inter alia*, the following:

- 4.1 Excavation and construction of new canals;
- 4.2 Development of structures or infrastructure;
- 4.3 Expansion/upgrading of structures or infrastructure;
- 4.4 Maintenance;
- 4.5 Replacement of structures or infrastructure;
- 4.6 Abstraction of water;
- 4.7 Diversion of natural spring water;
- 4.8 Development of Desalination Plant(s); and
- 4.9 Re-use of wastewater;

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2

The mitigation hierarchy must be implemented by the City of Cape Town where *bona fide* measures or interventions are implemented to address the current water supply emergency situation. The City of Cape Town must take into consideration the principles contained in Section 2 of the NEMA, 1998 (Act 107 of 1998) and the Section 28 requirements of the NEMA, 1998 (Act 107 of 199).

5. Listed activities relevant to the potential measures or interventions that may be implemented

Emergency measures or interventions may fall within the ambit of the following listed activities in terms of the NEMA EIA Regulations, 2014 (as amended):

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 1 OF 2014 (GOVERNMENT NOTICE NO. R983, AS AMENDED ON 7 APRIL 2017) –

Activity Number: 9

Activity Description:

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where—

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

Activity Number: 10

Activity Description:

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where—

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

Activity Number: 12

Activity Description:

3
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The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding—

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

Activity Number: 13

Activity Description:

The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.

Activity Number: 15

Activity Description:

The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding—

- (i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or
- (iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies.

Activity Number: 16

Activity Description:

The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.

Note: The activity only applies where it is specifically linked to the drought relief. Where this activity requires a coastal discharge permit, the proposal must first be approved by all relevant authorities.

Activity Number: 17

Activity Description:

Development—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

In respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures with a development footprint of 50 square metres or more —

but excluding—

- (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or
- (dd) where such development occurs within an urban area.

Activity Number: 19

Activity Description:

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity Number: 19A

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
- (iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity Number: 24

Activity Description:

The development of a road—

- (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or
- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding a road—

- (a) which is identified and included in activity 27 in Listing Notice 2 of 2014;
- (b) where the entire road falls within an urban area; or
- (c) which is 1 kilometre or shorter.

Activity Number: 25

Activity Description:

The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.

Activity Number: 27

Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity Number: 34

Activity Description:

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding-

- (i) where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;
- (ii) the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or
- (iii) the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.

Activity Number: 45

Activity Description:

The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
 - (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or
 - (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;

excluding where such expansion—

- (aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or
- (bb) will occur within an urban area.

Activity Number: 46

Activity Description:

The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
 - (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or
 - (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;

excluding where such expansion—

- (aa) relates to the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve or railway line reserve; or
- (bb) will occur within an urban area.

Activity Number: 48

Activity Description:

The expansion of—

- (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or

- (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;

where such expansion occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding—

- (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such expansion occurs within an urban area; or
- (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.

Activity Number: 50

Activity Description:

The expansion of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.

Activity Number: 52

Activity Description:

The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies.

Activity Number: 53

Activity Description:

The expansion and related operation of facilities for the desalination of water where the design capacity will be expanded to produce an additional 100 cubic metres or more of treated water per day.

Note: The activity only applies where it is specifically linked to the drought relief. Where this activity requires a coastal discharge permit, the proposal must first be approved by all relevant authorities.

Activity Number: 54

Activity Description:

The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or

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(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

In respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,

but excluding—

- (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (bb) where such expansion occurs within an urban area.

Activity Number: 55

Activity Description:

Expansion—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of —

- (a) facilities associated with the arrival and departure of vessels and the handling of cargo;
- (b) piers;
- (c) inter- and sub-tidal structures for entrapment of sand;
- (d) breakwater structures;
- (e) coastal marinas;
- (f) coastal harbours or ports;
- (g) tunnels; or
- (h) underwater channels;

but excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

Activity Number: 57

Activity Description:

The expansion and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage, where the capacity will be increased by 15 000 cubic metres or more per day and the development footprint will increase by 1 000 square meters or more.

Activity Number: 63

Activity Description:

The expansion of facilities or infrastructure for the transfer of water from and to or between any combination of the following—

- (i) water catchments;
- (iii) water treatment works; or
- (iv) impoundments;

where the capacity will be increased by 50 000 cubic metres or more per day, but excluding water treatment works where water is treated for drinking purposes.

Activity Number: 66

Activity Description:

The expansion of a dam where—

- (i) the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is increased by 2,5 metres or more; or
- (ii) where the high-water mark of the dam will be increased with 10 hectares or more.

Activity Number: 67

Activity Description:

Phased activities for all activities –

- (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;

excluding the following activities listed in this Notice –

17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d);
20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d);
54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d);
55; 61; 64; and 65; or

- (ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;

where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

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**ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 2 OF 2014
(GOVERNMENT NOTICE NO. R984, AS AMENDED ON 7 APRIL 2017) –**

Activity Number: 6

Activity Description:

The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding –

- (i) activities which are identified and included in Listing Notice 1 of 2014;
- (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;
- (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or
- (iv) where the development is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will not exceed 50 cubic metres per day.

Activity Number: 11

Activity Description:

The development of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following —

- (i) water catchments;
- (i) water treatment works; or
- (ii) impoundments;

excluding treatment works where water is to be treated for drinking purposes.

Activity Number: 15

Activity Description:

The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—

- the undertaking of a linear activity; or
- maintenance purposes undertaken in accordance with a maintenance management plan.

Activity Number: 16

Activity Description:

The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.

Activity Number: 24

Activity Description:

The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils, but excluding where such extraction or removal is for the rehabilitation of wetlands in accordance with a maintenance management plan.

Activity Number: 25

Activity Description:

The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of 15 000 cubic metres or more.

Activity Number: 26

Activity Description:

Development—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of —

- (a) facilities associated with the arrival and departure of vessels and the handling of cargo;
- (b) piers;
- (c) inter- and sub-tidal structures for entrapment of sand;
- (d) breakwater structures;
- (e) coastal marinas;
- (f) coastal harbours or ports;
- (g) tunnels; or
- (h) underwater channels;

but excluding the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 3 OF 2014 (GOVERNMENT NOTICE NO. R983, AS AMENDED ON 7 APRIL 2017) – ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICE 3 OF 2014

Activity Number: 12

Activity Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

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Activity Number: 23

Activity Description:

The expansion of—

- (i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or
- (ii) infrastructure or structures with a physical footprint is expanded by 10 square metres or more;

where such expansion occurs—

- (a) within a watercourse;
- (b) in front of a development setback adopted in the prescribed manner; or
- (c) if no development setback has been adopted within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

i. Western Cape

i. Outside urban areas:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas listed in terms of an international convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves; or
- (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

6. Reporting protocol

The reporting requirements associated with this Directive are limited to measures or interventions that constitute a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended), and where this Department and the Department of Environmental Affairs and Development Planning are the Competent Authorities.

6.1. General requirements

Monthly updates must be submitted to this Department and the Department of Environmental Affairs and Development Planning on the status of the water supply emergency situation within the City of Cape Town Area and the progress being made on the implementation of emergency measures or interventions to address the water supply emergency situation relief where applicable. This monthly updates must be submitted before the last working day of each month.

6.2. Pre-implementation requirements

6.2.1. It is accepted that the City of Cape Town in conjunction with the Department of Water and Sanitation is in the process of securing and deploying the necessary resources to address the current water crisis. The plan must be developed or updated and finalised as soon as is reasonably possible by setting out the list of measures or interventions that will fall within the ambit of this Section 30A Directive, describe each measure or intervention and explain how each measure or intervention specifically links to the current water supply emergency situation, as well as indicating the timeframe over which the measure or intervention will be implemented. This Water Supply Emergency Intervention Plan must also include a list of activities likely to be triggered and must be submitted to the National Department of Environmental Affairs and any other relevant authority whose listed or specified activities are triggered. The plan must be viewed as a dynamic document that will be constantly updated should there be any changes in the scope and listed or specified activities. Any subsequent amended plan must be submitted to the authorities as instructed above. Copies of the most updated Water Supply Emergency Intervention Plan must also be maintained and kept on site where the emergency relief efforts are to be implemented, and must be made available for inspection by any authority mandated to do so.

6.2.2. A generic Environmental Management Programme (EMP) must be finalised as soon as is reasonably possible and be submitted to the National Department of Environmental Affairs and other relevant authorities for acceptance before commencing with any of the listed activities.

6.2.3. Method statements for each of the measures or interventions to be implemented, as part of the Water Supply Emergency Intervention Plan, must be finalised as soon as is reasonably possible for all those that constitute a listed activity and must be submitted to the National Department of Environmental Affairs and the Department of Environmental Affairs and Development Planning for acceptance, before commencing with any of the listed activities.

6.3. Requirements during Implementation

6.3.1. The City of Cape Town must submit audit reports (per measure or intervention to be implemented) to this Department for commenting purposes and acceptance. Copies of these audit reports must also be submitted to any other relevant authority whose mandate is affected by the listed activities undertaken as part of the drought relief programme. The submission of audit reports is as follows:

- 6.3.1.1. A first audit report within three (3) months of the commencement of any emergency measures or interventions (per measure or intervention to be implemented). This audit report must *inter alia* confirm how the mitigation hierarchy has been implemented, how section 2 of the NEMA has been considered and how the best practicable environmental option has been selected from alternatives considered; and
- 6.3.1.2. Subsequent audit reports must be submitted on a three (3) months basis for the duration of the construction of the emergency interventions or measures (per intervention). This audit reports must *inter alia* confirm how the measures or interventions implemented have contributed to addressing the current water crises and explain in detail how the environmental impacts associated with each measure or intervention implemented have been mitigated.

6.4. Post-implementation requirements

- 6.4.1. A final audit report must be submitted, within three (3) months of completion of implementation of all the measures or interventions (as per the approved method statement). This final audit report must *inter alia* confirm how all of the risks associated with the water supply emergency situation have been addressed and how all of the measures or interventions implemented have contributed to ensuring the future resilience of water supply security in the Western Cape. It must further indicate what future interventions that may fall outside the scope of this Directive are planned, to maintain such resilience into the future.
- 7 You may contact the following officials from the Chief Directorate: Compliance of the National Department of Environmental Affairs for further guidance and support pertaining to this Directive:
Director: Ms Minky Chauke at (012) 399 9081 or (06)1 470 5879 or 082 805 4376 or
Chief Director: Mr. Sonnyboy Bapela at (012) 399 9422 or 0823730351
8. You are encouraged to maintain open communication lines with all relevant authorities and must ensure that all stipulated authorities are included in the reporting protocol. Notwithstanding this Directive, any other relevant permit requirements from other authorities must still be obtained from the relevant authority. This Department will endeavour to assist in such efforts as far as is reasonably possible.

9. Please note that a person convicted of an offence in terms of Section 49(A)(1)(g) of the NEMA, namely failure to comply with a directive, is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine or such imprisonment.

10. In addition, you are strongly advised to familiarise yourself with the regulations relating to the procedure to be followed when oral requests are made in terms of section 30A of NEMA, which includes the powers to amend, suspend or revocation of an issued Directive.

11. Please note that Section 28 of the NEMA remains applicable to all interventions to be implemented. Section 28 states the following: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable *measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

Your interest in the well-being of the environment is much appreciated.

Yours faithfully,



Mr. Sonnyboy Bapela

Chief Director: Compliance

Department of environmental affairs

Date: 12/04/2018

cc:

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