

# 2005-2009



## FIVE-YEAR STRATEGIC AND PERFORMANCE PLAN

## VYFJAAR STRATEGIESE- EN PRESTASIEPLAN

## IMINYAKA EMIHLANU YOCWANGCISO NOKULUNGISELELA UKWENZA UMSEBENZI



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## FOREWORD

The Department of Environmental Affairs and Development Planning has embarked on an exciting and invigorating journey, which will assist in leading this Province to a sustainable future.

As we strive to create a Home for All and deliver on the objectives of iKapa Elihlumayo, we have set ourselves new policy priorities and strategic goals that will guide the work of the Department of Environmental Affairs and Development Planning for the next five years.

We have set ourselves the goal of providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning. This objective will be given huge impetus through the leading role this department will play in hosting the Western Cape Sustainable Development Summit to be held in June 2005. The outcome of which will be a Sustainable Development Implementation Plan for the Western Cape in line with the Johannesburg Plan of Implementation. The second critical intervention to achieve this goal is the Integrated Law Reform Process, which will cut red tape by integrating environmental, planning and heritage legislation into one Provincial law. A first draft will be ready by April 2005 and we have set ourselves the deadline of March 2006 for the finalisation of this process.



The Department has set itself the strategic goal of enhancing the quality of life of all our people through facilitating integrated and sustainable human settlements. The finalisation of the Provincial Spatial Development Framework in June 2005 will be the key deliverable to achieving this objective and to unlocking the economic, social and developmental potential of the Western Cape, in line with iKapa Elihlumayo, our strategy to grow and share the Cape and achieve the vision of a Home for All.

The third strategic objective we have set ourselves is to facilitate equitable access to and the sustainable utilisation of our natural resources. The department will actively identify and unlock opportunities for growth in the environmental sector and ensure that communities who had been deprived and marginalised in the past will directly benefit from these opportunities. Broadening opportunities in the Biodiversity Economy is a critical opportunity to achieve this objective.

However none of this objectives will be achieved if we do not ensure that we have the capacity to implement the programmes. A key priority over the next five years will be to build this capacity both within the Department and amongst our other delivery agents like municipalities and Cape Nature. It is also critical to build capacity, amongst poor and marginalised communities, who often bear the brunt of poor planning and environmental decisions.

As the Executive Authority of this Department I fully endorse this Five Year Strategic Plan and confirm my commitment to providing leadership and support towards ensuring the implementation of our plans. Together and in partnership with others, we will strive to achieve the goals of sustainable development: economic growth, environmental protection and social equity.

MINISTER TASNEEM ESSOP

Minister of Environmental Affairs and Development Planning

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## PART A: STRATEGIC OVERVIEW

### 1. OVERVIEW OF STRATEGIC PLAN

The strategic and performance plan reflects the strategic policy priorities, goals and objectives of the Department of Environmental Affairs and Development Planning towards developing the Western Cape into a 'Home for All'. The strategic and performance plan is:

- Directly aligned with iKapa Elihlumayo, i.e. the Western Cape Government's strategy to achieve its vision of a 'Home for All';
- Strongly influenced by the Medium Term Sector Strategic Implementation Plan for environmental management and sustainable development in South Africa;
- Informed by the National Spatial Development Perspective, Municipal Integrated Development Plans (IDPs), and the Presidential Development Nodes; and
- Founded on integrated service delivery, co-operative governance and the Batho Pele principles.

The Department will, over the next five years, focus on the following overall strategic goals:

- Providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning.
- Enhancing the quality of life of all our people through facilitating vibrant, integrated and sustainable human settlements.
- Facilitating equitable access to, and the sustainable utilisation of, our natural resources.

These strategic goals will be underpinned by the following five strategic objectives:

- To facilitate a paradigm shift in planning and environmental management for the development of integrated people-centred systems, measures and processes.
- To ensure environmental integrity and the progressive realisation of environmental rights.
- To undertake spatial planning that promotes and guides the sustainable future development in the Province and redresses spatial inequalities.
- To provide integrated and holistic environmental and land management to foster renewal in our human settlements.
- To develop intervention strategies to facilitate equitable access to, and utilisation of our natural resources.





## 2. VISION

To provide a sustainable 'Home for All', now and forever.

## 3. MISSION

To foster human well being through promoting equitable access to natural resources, facilitating economic development, redressing the spatial legacy, and ensuring environmental integrity towards sustainable development of the Western Cape.

## 4. VALUES

- Fairness
- Integrity
- Caring
- Accountability
- Respect
- Consistency
- Transparency
- Inclusiveness
- Tolerance
- Accessibility

## 5. SECTORAL SITUATION ANALYSIS

### 5.1 SUMMARY OF SERVICE DELIVERY ENVIRONMENT AND CHALLENGES

The service delivery environment is characterised by the following factors and constraints to be overcome:

- Institutional and Development Paradigm
  - *Leadership on development paradigm:* There is a need to provide new thinking on development planning and environmental issues. This should lead to innovative solutions on many spatial legacies of apartheid planning, e.g. through the integration of fragmented human settlements and equitable access to land.
  - *Parameters on integrated development:* Constraints are experienced with regard to settlement patterns (densification, urban sprawl, flooding of settlements, etc) and the destruction of the natural environment and productive agricultural land. To realise integration of human settlements there is a need to bring work closer to people, and the focus for future development should not only be on economic clusters. There is currently little debate (in the local context) on the form of integration of settlements. The challenge for the Department is to develop policies, strategies and guidelines to address these constraints to create sustainable human settlements. There is also a lack of appropriate skills to deal with these issues in government.

- *Promoting co-operative governance:* This is a laudable objective of government, however, very difficult in practice. Co-operative governance initiatives will have to ensure the achievement of a developmental state. To give effect to this, the Department must identify its role in the partnerships, develop inter-governmental policy frameworks and guidelines for municipalities on spatial planning, systems and planning tools. There is a lack of co-ordination across provincial departments and local government. A need exists for closer co-operation, integrated policy-making and service delivery. Each provincial department should develop guidelines for local government co-operation and support.
  - *Land availability for integrated human settlements:* A need exists to institute proactive measures such as the identification of land for future human settlements. Currently, there is a lack of guidelines for local government to integrate human settlements and to ensure that it is addressed in their Integrated Development Plans.
  - *Legislative requirements:* The lack of integrated legislation to address the legacy of the past and to promote integrated decision-making.
  - *Shift from input-based to outcome-based budgeting:* To utilise the budget in such a way as to achieve the objective of integrated human settlements that will ensure/promote equity, dignity and prosperity.
- Societal
  - This Province has the highest Gini Co-efficient, i.e. the gap between rich and poor. The poor need improved urban environments to ameliorate their living conditions. The result has been a serious decline in the health, education and welfare indicators for these communities. In terms of equity, the behaviour and mindsets of the more affluent as well as those of all members of society need to change to address these problems.
  - Access to the bountiful natural resources in this Province has become the preserve of the rich. Ownership rights and other measures of access will be a challenge over the next five years.
  - Officials are required to work outside normal working hours and visit remote areas. A lack of safety and security results in their performance being compromised.
- Political
  - The Province is politically stable and committed to its growth and development strategy, iKapa Elihlumayo.
  - The Department is faced with conflicting interests (rich/poor, black/white, urban/rural, etc).
  - There is a rapid delivery expectation from marginalised communities for basic services.







- Ecological
  - Sustainability of environmental resources and the importance of planning are key considerations for the future of ecological integrity.
  - There is a tension between development needs and environmental integrity. There are interest groups supporting each of these positions. Competing demands make it difficult for the Department to create a balance between economic growth, environmental protection and social integrity.
  - Over-consumption of our natural resources, the effect of climate change and the increase of the population, places greater demands on natural resources. The inherent fluctuation of natural resources exacerbated by the effect of climate change and poor demand management of resources increases the frequency and severity of “disasters”.
  - The Province contains two “biodiversity hotspots” of global significance. The Province has an obligation to prevent undue degradation of its biodiversity and to manage its natural resources (including ecosystems) in a manner that will ensure their long-term sustainability.
- Economic
  - The impacts of over consumption patterns and degradation of the natural environment result in the loss of economic potential, and contribute to job losses.
  - The promotion of the sustainable utilisation of the Province's natural resources is a challenge for the Department.

## 5.2 SUMMARY OF ORGANISATIONAL ENVIRONMENT AND CHALLENGES

During the 2003/04 financial year the Department embarked upon an internal restructuring process by integrating the Environmental and Development Planning components. A new organisational structure was implemented on 1 April 2004 with the expansion of the Department with 30 new posts. Consequently 185 posts in the line components were subjected to a full job evaluation process.

The Department is characterised by the following key internal challenges:

- The need for transformation becoming a 'Home for All' internally: The Department faces challenges with employment equity, the need to apply equity in performance management at all levels, overcoming 'rank fetish', fostering a learning organisation, building vibrant teams, valuing co-operation and being open to innovative ways of working. The current culture of the organisation, i.e. relationships with people, will need greater levels of openness, tolerance and respect in building the 'Home for All'. Now that the Department has redefined its strategic goals and objectives it will need to, where necessary, align its organisational structure towards improved service delivery. The roles and relationship of the support structures and line functionaries need to be reviewed. These programmes coherence and congruence are a central issue in this Department. Greater integration of the programmes remain essential to deliver integrated sustainable development. The insecurity and the different perceptions within the organisation resulting from organisational restructuring, must be addressed.

- Harness committed political leadership: The senior management team has the responsibility to translate the new provincial vision and strategic direction into concrete change management programmes that will promote the new paradigm.
- Visionary management leadership: To align the Department with the new provincial paradigm, there is a need to move away from the overly regulatory mindset, and the fear associated with change, to becoming more responsible risk takers. Management has to develop trust amongst staff in order to build the 'Home for All' internally. Sufficient staffing will enable senior managers to spend more time on strategic issues and develop middle management to attend to operational matters. Greater co-operation with other provincial departments is essential for integrated planning and sustainable development. This needs to be strengthened in order to promote seamless service delivery.
- Adding value as a service department: The Department has a critical role to fulfil in realising sustainable development to ensure economic growth and meeting human needs without compromising environmental integrity.

## 6. LEGISLATIVE AND OTHER MANDATES

A list of national and provincial legislation that gives a legal mandate to the Department is attached in Part C.





## 7. BROAD POLICIES, PRIORITIES AND STRATEGIC GOALS

This Department, in the spirit of co-operative governance and through the promotion of partnerships, commits itself to the following set of three strategic goals and five strategic objectives:

### STRATEGIC GOAL 1

Providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning.

#### STRATEGIC OBJECTIVES

- To facilitate a paradigm shift in planning and environmental management for the development of integrated people-centred systems, measures and processes.
- To ensure environmental integrity and the progressive realisation of environmental rights.

### STRATEGIC GOAL 2

Enhancing the quality of life of all our people through facilitating vibrant, integrated and sustainable human settlements.

#### STRATEGIC OBJECTIVES

- To undertake spatial planning that promotes and guides the sustainable future development in the Province and redresses spatial inequalities.
- To provide integrated and holistic environmental and land management to foster renewal in our human settlements.

### STRATEGIC GOAL 3

Facilitating equitable access to, and the sustainable utilisation of, our natural resources.

#### STRATEGIC OBJECTIVES

- To develop intervention strategies to facilitate equitable access to, and utilisation of our natural resources.





## 8. INFORMATION SYSTEMS TO MONITOR PROGRESS

### • FINANCIAL INFORMATION SYSTEMS

In compliance with the National Treasury policy decision, this Department successfully migrated from the Financial Management System (FMS) to the Basic Accounting System (BAS) on 1 April 2004. The new uniform Standard Chart of Accounts was also implemented on 1 April 2004. The Personnel and Salary (PERSAL) system is utilised to perform all personnel and salary related matters. The Head of Department chairs monthly Finance and General Meetings with all programme and sub-programme managers to assess departmental financial performance.

### • OPERATIONAL INFORMATION SYSTEMS

- ENVIRONMENTAL IMPACT MANAGEMENT DATABASE: This system is used to register and manage the administrative information regarding impact assessments required for development applications in the Western Cape. This system is to be enhanced to include additional functionality including the linking of the database to the Departmental Geographic Information System, as well as links to the new national environmental authorisation system.

- DEPARTMENTAL INTEGRATED MANAGEMENT INFORMATION SYSTEM (DIMIS): The Department is in the process of developing and embedding a Departmental Integrated Management Information System (DIMIS) in line with similar initiatives in other provinces and the national Department of Environmental Affairs and Tourism. The purpose of the DIMIS is to integrate the various information systems within the Department in order to improve workflow and service delivery.

- POLLUTION AND WASTE MANAGEMENT INFORMATION SYSTEM: This provincial system will be designed to link to the information system of the national Department of Environmental Affairs and Tourism and all municipalities within the Western Cape Province. An operational Pollution and Waste Information System will be developed in 2005. The key milestones will include the training of all users and the deployment of a web-based system. The continuous collection, verification and analysis of pollution and waste data will contribute to integrated pollution and waste management.

- STATISTICAL DATABASE: The database is continuously updated and consists of records on demographic, social and economic statistics pertaining to the Western Cape.

- GEOGRAPHICAL INFORMATION SYSTEM (GIS): The departmental GIS consists of over 100 spatial datasets and images covering various features in the Western Cape. The data sets are obtained from different sources, maintained and disseminated in various digital and map formats to provincial departments, municipalities, and consultants, including the general public. The Western Cape Nature Conservation Board's (WCNCB) GIS is used by all levels of management as a planning and decision making tool for managing biodiversity and conservation within the Western Cape. The Department's system has been customised to facilitate its use within the WCNCB.



## 9. DESCRIPTION OF STRATEGIC PLANNING PROCESS

Each of the three programmes in the Department held strategic planning sessions in preparation for the departmental session. The guidelines from National Treasury and Provincial Treasury were adopted.

A strategic planning session was held on 5 and 6 August 2004 to formulate the Five-year Strategic and Performance Plan for the Department. Senior management of the Department and the Minister of Environmental Affairs and Development Planning attended and contributed to the formulation of the Strategic and Performance Plan. An independent consultant facilitated this session.

The draft Five-year Strategic and Performance Plan was submitted to the Provincial Treasury on 26 August 2004 and formed the basis for discussions at the Medium Term Expenditure Commission (MTEC) hearings on 15 September 2004.

A workshop was held on 2 November 2004 to further edit the Five-year Strategic and Performance Plan and to align the Annual Performance Plan.

A Cabinet Lekgotla was held on 3 and 4 November 2004 to reflect on the strategic direction of the Province relative to resources available over the ensuing Medium Term Expenditure Framework (MTEF) period.

The second draft Five-year Strategic and Performance Plan and first draft Annual Performance Plan were submitted to the Provincial Treasury on 8 December 2004.

The final Five-year Strategic and Performance Plan and the Annual Performance Plan will be tabled in the Legislature on 31 March 2005.



## PART B: PROGRAMME AND SUB-PROGRAMME PLANS

### 10. PROGRAMME 1: ADMINISTRATION

The aim of the Programme is the overall management of the Department and to render a corporate support service.

The Programme consists of the following sub-programmes:

- Office of the Provincial Minister of Environmental Affairs and Development Planning; and
- Management and Support Services.

#### 10.1 SITUATION ANALYSIS

This programme renders an overall corporate service, which includes the following:

- Human resource management
- Human resource development
- Labour relations
- Support services
- Accounting services
- Budget management
- Internal control
- Supply chain management
- Communication services
- Special programmes

During 2003-2005, this Programme was responsible for the departmental restructuring process, including workstudy investigations, recruitment and selection, and new appointments. Over the next five years, the Programme will be a key driver in developing and implementing a departmental change management programme.

The process of Departmentalisation initiated on 1 August 2002, added an additional workload to this Programme without any additional staff. The restructuring of the line components demanded a subsequent investigation into the capacity of the corporate service component to render an efficient and effective service to its new line function clients. A comprehensive investigation of the post structure and establishment of the corporate services component was initiated during the 2004/05 financial year and will be conducted by the Directorate Organisational Development of the Department of the Premier.

The restructuring of the line function components lead to additional posts being created. The increased funding for vacant posts resulted in a total of 287 posts for the entire Department. These posts were filled in accordance with a recruitment plan. This recruitment plan formed part of a holistic Human Resource plan that included human resource development initiatives to ensure improved human capacity. An agreed Delegation model informed the Service Level Agreements to be concluded with line functionaries.





In order to improve the management and control over the movement of files in the Department, an electronic file tracking system was implemented with effect from 1 April 2004. The system enables all users to determine and monitor the location of any file at any given time electronically, thus eliminating time consuming manual searches for files. The challenge ahead, will be to convert the current system to a document management system and to integrate such system with the Departmental Integrated Management Information System (DIMIS). The Department migrated from the Financial Management System (FMS) to the Basic Accounting System (BAS) on 1 April 2004. The challenge will be to have other users of the system fully trained. As BAS is an online system, it is much easier to access information, which makes the financial management tasks easier.

A new Standard Chart of Accounts was introduced by National Treasury with effect from 1 April 2004, which demanded relevant training to line functionaries.

The Accounting Officers' System and delegations for supply chain management were finalised and implemented on 1 January 2004. The Supply Chain Management Unit was established in the Department on the same date which empowers the Accounting Officer to perform all supply chain management issues that were previously performed by the Provincial Tender Board, which was abolished on 31 December 2003.

The Provincial Treasury outsourced the Provincial Audit service, which is still a centralised function, to a Consortium during the 2003/04 financial year. Risk assessments were only performed at the three big social departments during 2003/04. It is envisaged that a micro risk assessment will be completed in the Department during the 2004/05 financial year. Once the micro risk assessment has been performed, strategies will be developed to mitigate the high-risk areas.

To promote and enhance corporate communication, a Communication Policy and Strategy was developed and implemented for the Department and the Office of the Minister. One of the Department's main internal communication tool, for example, the newsletter, is utilised as a medium to promote liaison amongst the staff.

The Communication Component engaged in various departmental promotional projects to create awareness of the Department's core functions. The Communication Component promotes social responsibility by being actively involved with community based projects thus contributing towards a 'Home for All'.

The Communication Component is responsible for updating information on the Departmental website. This communication tool ensures that both the staff and the external public are informed about Departmental activities.



## 10.2 POLICIES, PRIORITIES AND STRATEGIC OBJECTIVES

### STRATEGIC GOAL 1:

Providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning.

### STRATEGIC OBJECTIVE:

- To facilitate a paradigm shift in planning and environmental management for the development of integrated people-centred systems, measures and processes.

### KEY MEASURABLE OBJECTIVES

- To facilitate a new dynamic managerial approach to ensure achievement of desired cultural, racial, gender and religious tolerance that will improve service delivery.
- To establish policies, processes, and systems in an inclusive and a participatory manner to ensure an enabling human resource, financial management and support services environment.
- To ensure that staff and the public, through the promotion of the objectives, activities and outputs of the Department, are well informed.

## 10.3 ANALYSIS OF CONSTRAINTS AND MEASURES PLANNED TO OVERCOME THEM

The restructuring of the line components created the risk of the corporate services component not being able to continue rendering an efficient and effective service. The need to affirm the capacity of the corporate services component was acknowledged and will be preceded by an in-depth workstudy investigation. In the interim the need for capacity is addressed by the appointment of staff additional to the approved staff establishment. This is expected to result in the realignment of structures in order to support the restructured Programme.

There are no significant risks attached to this Programme, which will prevent it from attaining its measurable objectives and the strategic goals of the Department.

## 10.4 DESCRIPTION OF PLANNED QUALITY IMPROVEMENT MEASURES

In order to facilitate a dynamic managerial approach, which will embrace the envisaged Service Delivery Improvement Plan, the services of a provider were procured to conduct change management workshops for all the staff in the Department. The Corporate Services envisage that people-centred policies, processes and systems will consequently be established in consultation with the staff. Corporate services will enter into a service level agreement with line function to improve service delivery. By doing so, the performance of corporate services with the line functions will be evaluated by the benchmarks set by the agreement.

A Knowledge Management Strategic Plan will be drafted to enhance the quality of service delivery. This will enable and facilitate the transfer of departmental knowledge and acquired skills, which has become indispensable for igniting empowerment and sustainable development within communities beyond the borders of race, culture, gender and religion.



Training opportunities will be utilised as presented by the Cape Administrative Academy. Further training interventions will be embarked upon by service providers. These training interventions will be aligned with the Individual Development Plans of staff.

The objective is to form a combined Ministerial and Departmental Communication relationship. In other words, the Minister's Media Liaison Officer (MLO) and the Departmental Communication Component will collaboratively work on the various set projects.

### 10.5 RESOURCING INFORMATION

All the posts in this Programme are fully funded, however the workstudy investigation will probably result in an increase in the number of posts, which will have to be funded via reprioritisation within the Programme.

## 11. PROGRAMME 2: ENVIRONMENTAL AND LAND MANAGEMENT

The aim of the Programme is to promote sustainable development via integrated environmental and land development management in order to make the Western Cape a 'Home for All'.

The services rendered by this Programme fully endorse the principles, aims and objectives set by the Provincial Cabinet and other provincial initiatives and goals associated with, for example, poverty alleviation, job creation and the expanded public works programme.

The Environmental and Land Management Programme consists of the following sub-programmes:

- Management; and
- Integrated Environmental Management.

As part of the reconstructing and increased volume of work, this programme has been divided into two regions. A responsibility manager manages each region. Each region has exactly the same measurable objectives, performance-indicators and targets. The following will be applicable to both regions and will therefore not be described separately.

### 11.1 SITUATION ANALYSIS

The management of development in an environmentally sustainable manner is of critical importance. The changing economic environment, growing demand for tourism development, population growth, migration, housing projects and associated infrastructure and services, require that clear and innovative guidelines and policies on planning and environmental decision-making processes are developed to enable the Programme to provide cutting edge leadership and to empower all clients.

Greater public awareness and interest in the natural and built environment, as well as the constitutional rights of citizens have resulted in the need for advanced environmental governance. Furthermore, in recent years a considerable increase in the number of development applications (and an increase in their complexity) has occurred. These include applications submitted for authorisation and for comment, as well as appeals, activities



proceeding without the necessary authorisation, and other transgressions and breaches of the "general duty of care" provision in the National Environmental Management Act, 1998 (Act 107 of 1998). This places a great responsibility on the Programme to provide leadership within government, to social partners and the corporate sector with regard to development matters.

- Over the past years the public have become increasingly aware of their environmental rights and the legal requirements in respect of environmental and planning decision-making that resulted in increased reporting on environmental and planning transgressions. This places greater responsibility on the Programme to ensure that all applications are dealt with in an efficient and effective manner that adheres to the minimum prescripts of all relevant legislation and general environmental governance.
- This Programme provides an Integrated Environmental and Land Development Management service to 24 Local Municipalities, 5 District Municipalities, 1 Metropolitan Municipality and other relevant stakeholders. It is constitutionally under an obligation to support, monitor and regulate planning and environmental management in the spirit of co-operative governance, and to ensure the progressive realisation of environmental rights in a sustainable manner. In terms of the National Constitution, municipalities are mandated to execute municipal planning, and the current environmental law reform process will require municipalities to be involved in the environmental authorisation process. Municipalities, however, experience constraints with regard to financial resources, capacity and expertise, which will limit the effective execution of their planning and environmental management functions in future.
- The Environment Conservation Act (ECA) and the National Environmental Management Act (NEMA) are perceived by some stakeholders as onerous and a stumbling block in the development process. Over the past years, the Programme has gone to great lengths to capacitate stakeholders to ensure that compliance with the said legislation is not regarded as an add-on, but should form an integrated part of the development process. The Programme strives to ensure fair consideration in all decision-making in accordance with the principles of all appropriate legislation. In terms of conflict resolution, the mechanisms available in NEMA are utilised as no such mechanisms exist in ECA.
- Over the past years the Department received numerous new applications for authorisation of activities in terms of these regulations and planning legislation, most of which were finalised within set timeframes. In addition, comments were provided on planning applications, Environmental Management Programme Reports in terms of the Mineral and Petroleum Resource Development Act, Act 28 of 2002, and other relevant legislation. Furthermore, several applications were processed in terms of the Off Road Vehicle (ORV) Regulations (in terms of NEMA). Approximately 85% of all applications received in terms of planning and environmental legislation were processed and finalised.
- There is a noticeable increase in development pressure, particularly in the coastal regions with significant biodiversity and unique coastal habitat characteristics. Environmental and planning assessment of projects in these areas needs to be particularly thorough and is often highly contentious.





- Several new policies, guidelines, norms and standards applicable to environmental and planning matters were compiled to guide decision-making in the Province. This includes policies/guidelines on golf estates and polo fields, wind energy development, filling stations, urban edge, resorts, compliance monitoring and specialised environmental impact assessment (visual, heritage, geohydrological, economics, biodiversity).
- Attempts to improve service delivery have resulted in a marked decrease in response and processing times of environmental and planning applications. This has been achieved by assigning the decision-making responsibilities to appropriate levels, appointment of contract workers and the introduction of response timeframes. A considerable improvement in finalising applications has been achieved.

Key challenges facing the Programme in the current Strategic Planning period are:

- **LAW REFORM PROCESS:** The aim is to complete a law reform process by March 2006 to integrate environmental, planning and heritage legislation into one Provincial law and the subsequent implementation thereof.
- **ESTABLISHING AND STRENGTHENING PARTNERSHIPS:** The establishment of partnerships and co-operative agreements aimed at empowering municipalities and other social partners to fulfil their obligations in terms of all relevant legislation and address sustainable development challenges to improve quality of life.
- **CAPACITY BUILDING:** Develop capacity to address the challenges associated with the provision of visionary leadership and guidance and address capacity building needs in terms of the relevant Environmental and Planning legislation, policies, guidelines and plans. This includes the development of innovative norms, standards, guidelines and policies, as well as education and awareness programmes to improve service delivery and to promote sustainable development in support of the Departmental goals.
- **INTEGRATION AND BUSINESS PROCESS IMPROVEMENT:** The development of organisational systems and procedures to ensure the integration of planning and the environment functions in order to streamline the administrative processes, further improve response time and monitor compliance in respect of environmental and planning legislation.

## 11.2 POLICIES, PRIORITIES AND STRATEGIC OBJECTIVES

The strategic goals and objectives of the Programme endorse the aims and objectives of the Provincial Cabinet and the goals of iKapa Elihlumayo.

### **STRATEGIC GOAL 1:**

Providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning.

### **STRATEGIC OBJECTIVE:**

- To facilitate a paradigm shift in planning and environmental management for the development of integrated people-centred systems, measures and processes.

#### KEY MEASURABLE OBJECTIVES

- To support strategic decision making and interventions to enhance planning and environmental management.
- To empower municipalities and other social partners to fulfil their obligations in terms of applicable environmental and planning legislation.
- To co-ordinate a provincial law reform process and facilitate the implementation of the integrated environmental, planning and heritage legislation.
- To initiate and implement provincial policies and guidelines with regard to environmental and planning matters.

#### STRATEGIC GOAL 2:

Enhancing the quality of life of all our people through facilitating vibrant integrated and sustainable human settlements.

#### STRATEGIC OBJECTIVE:

- To provide integrated and holistic environmental and land management to foster renewal and improvement in our human settlements.

#### KEY MEASURABLE OBJECTIVES

- To ensure the effective administration and monitoring of land use and environmental applications.
- To establish and maintain appropriate partnerships to improve the governance of environmental and land use management.

#### 11.3 ANALYSIS OF CONSTRAINTS AND MEASURES PLANNED TO OVERCOME THEM

- To provide visionary leadership and guidance it is imperative that co-operation within the Department and with other social partners is maximised. In order to meet the abovementioned strategic goals and objectives the necessary means and capacity (finances, staff, skills, etc.) must be available in the Programme as well as with the other social partners. Clarity on the role and functions of the different spheres of Government relating to planning and the environment will ensure that co-operative governance is realised.
  - The provincial law reform process, which will culminate in a new law integrating planning, environmental and heritage legislation, will give clarity on the roles and functions of the Province and municipalities with regard to planning and development.
  - The implementation of the amendments to the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998) and new Environmental Impact Assessment (EIA) Regulations that form part of the national environmental law reform process, will put mechanisms in place to clarify the roles and functions of national, provincial and municipal authorities in respect of integrated environmental management.







- The plethora of current environmental and planning legislation, with all its associated processes and procedures (i.e. the different application, appeal and public participation procedures), the conflicting and incoherent nature thereof, and High Court judgements, complicate the administration of applications by the Programme. This prolongs and frustrates the decision-making process. The result is confusion and unnecessary litigation that negatively impacts on the goals of iKapa Elihlumayo.
  - The implementation of the NEMA Amendment Act and related EIA Regulations will address certain of these constraints.
  - The provincial law reform process, which aims to integrate environmental, planning and heritage legislation, is an attempt to ensure greater clarity on the roles and functions of the different spheres of government thereby streamlining decision-making.
- The limited capacity of municipalities may lead to uninformed decision-making and ineffective implementation of planning and environmental legislation. These constraints will be addressed by:
  - The provision of progressive norms, standards, guidelines, policies, etc. to promote environmental and planning best practice by municipalities.
  - The initiation of empowerment programmes to ensure the effective implementation of planning and environmental legislation, norms, standards, guidelines, policies, etc.
  - Entering into partnerships with municipalities to facilitate effective environmental and planning governance and decision-making.
- The prolonging of processes that delay innovative projects which aim to attain the goals and objectives of the Programme.
  - Strengthen relationships with municipalities and other social partners by providing relevant guidelines, entering into co-operative agreements, promoting transfer of knowledge and to collectively develop tools and mechanisms that promote sound governance.
- The risks involved in not attaining the above-mentioned goals and objectives are the following:
  - Uncontrolled and unsustainable development that will result in the degradation and ineffective use of the natural and built environment, and negatively impact on the social and economic fabric of society.
  - Loss of trust and lack of regulatory certainty in the planning and environmental system results in development that has a high potential for conflict and the loss of investment confidence.
  - Lack of compliance with, and enforcement of, legislation will result in an increase in illegal activities and breaches of the general duty of care.



#### 11.4 DESCRIPTION OF PLANNED QUALITY-IMPROVEMENT MEASURES

- Implementation of a change management programme to support personnel to adapt to a changing environment to ensure best practice.
- To implement an effective staff performance management system that is in alignment with the Department's strategic goals and objectives.
- Continuous review of legal frameworks and clearly defined mandates and delegations in order to execute functions and responsibilities effectively.
- Ensure consistent decision-making through the implementation of administrative management systems and measures.
- Effective internal and external communication.
- Promotion of co-operative governance through appropriate measures and mechanisms.

#### 11.5 RESOURCING INFORMATION

- Personnel:
  - As a result of the recent restructuring of the Programme new posts came into existence, which were filled in support of the Department's equity plan. However, the inequality of remuneration and incentives among the Province, municipalities and the private sector hamper the recruitment and retention of staff.
  - The inexperience of new staff needs to be addressed by means of continuous and adequate training and capacity-building programmes.
  - An adequate and effective incentive scheme (including the development of Code of Remuneration (CORE) for occupational classes who do not yet have them) to attract and retain competent staff should be investigated.
  - Alignment of remuneration between municipalities and other government spheres needs to be addressed. (National competency).
  - An effective personnel and support service.
- Equipment:
  - To ensure that a high level of efficiency is maintained, personnel must be provided with adequate equipment in order to fulfil their functions successfully.
  - Provision of adequate office accommodation for personnel of the Programme.
  - Maintain and improve communication infrastructure and support service (telecommunication; Information Technology).
- Systems:
  - Urgent development of an effective integrated information management system (IMS) e.g. document management system and GIS.
  - An effective Registry is a prerequisite to attain the strategic objectives.
- Finance:
  - The effective attainment of this Programme's strategic goals and objectives could be impaired by budget constraints.



## 12. PROGRAMME 3: ENVIRONMENTAL AND LAND PLANNING

The aim of the Programme is to ensure sustainable development through integrated planning, pollution and waste management, biodiversity and coastal management and transversal environmental and planning co-ordination in order to make the Western Cape a 'Home for All'.

The Programme is strongly aligned with the principles, aims and objectives of the Provincial Cabinet and National imperatives.

The programme consists of the following sub-programmes:

- Management;
- Planning, Biodiversity Management and Coastal Management;
- Western Cape Nature Conservation Board;
- Environmental Commissioner;
- Pollution and Waste Management; and
- Functional Support.

### 12.1 SITUATION ANALYSIS

- **DEMAND FOR SERVICES:** The demand for the services of the Programme is derived from the State's obligation to give effect to the environmental right, set out in a range of laws, policies and strategies.

The Programme deals with pro-active planning of land for the orderly and harmonious development of the Province, integrated pollution and waste management and integrated transversal management, monitoring systems and measures to support co-operative governance and sustainable development. The diverse demand for services is informed by the following:

- Provincial Planning in terms of the National Constitution is an exclusive Provincial Competency (Schedule 5 Part A, which relates to spatial planning). Biodiversity management, coastal management and pollution and waste management constitute concurrent constitutional competencies.
- The Municipal Systems Act, 2000 (Act 32 of 2000) requires Provincial Departments to evaluate the Integrated Development Plans (IDPs), including the Spatial Development Frameworks (SDF), of municipalities. The integrated waste management plans and the Spatial Development Framework are two of four sectoral plans linked to the IDP's that require review by the Programme. With regards to the above, assistance is rendered to municipalities.
- The Programme is responsible for one of the Lead Strategies identified by the Western Cape Government, namely the Provincial Spatial Development Framework. This Framework will give direction to government departments and municipalities with regards to the future spatial development of the Province, and co-ordination and alignment of budgets. It will have to be extensively communicated to, and pro-actively implemented by government departments and municipalities.
- The demand for integrated human settlements requires a new planning paradigm. The development and implementation of new policies, directives and incentives will



be required and the Programme will, through inter alia the Provincial Spatial Development Framework, address these issues.

- The Air Quality Bill will make provision for a new air quality management system for South Africa, which will give a legislative mandate to our Department. The assignment of functions to provinces with respect to air quality management will create an immediate demand for new services that need to be rendered at a provincial level, which will have a direct impact on this Programme. The impact will be in the form of additional human resource capacity in order to fulfil the additional obligations.
- The demand to provide more detailed provincial policy and legislative direction will drive law reform associated with this Programme's responsibilities.
- The Programme is in a position to support the implementation of the political imperatives of job creation and poverty alleviation (sustainable livelihoods) particularly in distant rural areas.
- The growth in the tourism industry, population growth, migration, economic development and demand for housing, as well as increased pressure on resources, require that clear guidelines, policies and spatial plans are developed and put in place.
- The responsible usage of all our resources demands effective biodiversity management, coastal management and pollution and waste management.
- The demand for integrated preventative strategies addressing pollution and waste management is critical to the equitable and sustainable utilisation of our natural resources. To address this demand the Cleaner Production programme focuses on business and industry's utilisation of our natural resources. This programme further supports the developmental objective of the Western Cape's Growth and Development Strategy in providing opportunities to unlock economic potential while improving environmental performance.
- Compliance monitoring and enforcement of the Programme's statutory obligations with regard to the Environment Conservation Act and the National Environmental Management Act is integral in progressively realising the environmental right. The monitoring of compliance with and the enforcement of the relevant environmental legislation are significant with regard to ensuring that the environmental right enshrined in the Constitution is given effect.
- The need to empower the Department's stakeholders and the progressive realisation of environmental right requires advocacy, capacity building and environmental education and awareness services by this Programme.
- The provision of spatial information, environmental information and demographic data services to municipalities and other stakeholders.
- There is a need for the integration of the Johannesburg Plan of Implementation targets and the sustainable development objectives in terms of the Medium Term Strategic Framework into a provincial implementation strategy.





- The co-ordination and management of transversal reports in terms of national obligations.
- The need for institutional arrangements and mechanisms for co-operative governance.
- APPRAISAL OF EXISTING SERVICES: Improved alignment with National Government has led to a more enabling environment for planning and managing sustainable development initiatives by the Programme.

The existing service is currently constrained by the following factors:

- The Departmental restructuring has led to significantly greater levels of professional synergy between the planning and environmental professions in the Department. A concerted initiative is currently underway within the Programme to fill vacancies and intensify service delivery that would contribute to the vision of making the province a 'Home for All'. The Programme will pay specific attention to filling the vacancies with recruits, with innovative minds, to compliment the experienced persons currently within the Programme.
- The lack of alternative career-pathing opportunities for officials who prefer to remain in the service as line-function environmental and planning specialists, rather than enter the management cadre, will require innovative intervention.
- The need to forge more partnerships and strengthen our existing partnership is important to leverage the resources and enrich our processes to provide the services to support the Programme's strategic goals and objectives. New partnerships and strengthening of existing partnerships, through tools such as Memorandums of Understanding/Agreements (MOUs or MOAs), would assist in creating the needed seamless service delivery mechanisms.

Some strengths of the Programme have been identified as:

- The Programme is moving forward in a politically enabling and receptive environment where transformation in the interest of meeting its medium term strategic objectives is encouraged;
- The Programme has an enabling, mutually supportive and stable senior and middle management team;
- The Programme has a very well defined and empowering policy and legislative mandate;
- A multi-disciplinary team, with the combined expertise of the planning and environmental professionals, is advantageous to the Programme;
- The Programme has access to appropriate equipment resources;
- The Programme has very strong partnerships with other organs of state, Non-Governmental Organisations and Community Base Organisations;
- The South African, particularly the Western Cape research community is, at the forefront of biodiversity and bioregional planning and implementation;



A number of opportunities have been identified that are available to the Programme. These are:

- The current spate of new environmental Acts and Bills as well as National Strategy and Action Plans provide the Programme with firm direction. The Intergovernmental Relations Bill promises to enhance future co-operative governance;
- The number of vacancies in the Programme provides an opportunity to appoint appropriate persons to those positions. The situation provides the potential to address imbalances of equity and gender;
- The very significant and growing global awareness of environmental trends, especially in the context of sustainable development, has a positive impact on the entire country to improve the environmental performance of all sectors, providing and enabling environment for the Programme;
- The Programme has access to technological infrastructure available within the Provincial Government;
- The existing bilateral agreements such as those between the province and Bavaria, Quebec, Shangdong, Upper Austria, California and others provide the Programme with opportunities to exchange knowledge and information with organisations and experts from those partner states;
- The wealth and attractiveness of this Province's natural resources and general coastal environment lends itself to assisting the provincial government in addressing the key governmental imperatives of job creation and poverty alleviation.

#### ● KEY CHALLENGES

The major challenges for the Programme are the implementation of a new paradigm with regards to redressing the inequalities of human settlements and spatial planning, to contribute to job creation and to address poverty alleviation through the equitable access to and sustainable utilisation of our natural resources.

The Programme is required to develop and manage the programme to produce appropriate outputs set out in the Medium Term Environmental Sector Implementation Plan (MTESIP) adopted by the Environmental MINMEC. The MTESIP outputs that are specific to various sub-programmes are included in the key challenges section of the sub-programmes in the Annual Performance Plans. Those that have a more programme-wide application include:

- The integration of the World Summit on Sustainable Development's (WSSD) Johannesburg Plan of Implementation (JPOI) as well as the targets and principles contained in the National Spatial Development Perspective (NSDP) into cluster and departmental strategic plans;
- Supporting inter-governmental structures related to environmental management, through law reform, co-operative governance and transversal reporting;







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- Supporting local government initiatives and forums (IDP/SDF);
- The Programme directly and indirectly contributes to the creation of jobs by supporting national and provincial initiatives such as the Extended Public Works Programme and Project Consolidate;
- Ensuring that the programme is showing progress in realising the environmental right, that is demonstrated both qualitatively and quantitatively;
- Drafting and promulgating provincial policies, legislation, norms, standards and guidelines and notices in terms of new provincial and national framework legislation developed;
- Implementation of new functions such as Air Quality Management and simultaneously build the capacity of municipalities in this function;
- Ensuring sustainable spatial planning in the Province;
- Ensuring compliance and consistency with the PSDP and other Provincial planning directives;
- Translation of future national cost recovery systems into provincial regulatory procedures;
- Developing and implementation of a provincial capacity building programme on Multilateral Environmental Agreement (MEA) implementation;
- Ensure that provincial departments and regional offices of national departments give effect to the Provincial Environmental Implementation Plan's objectives and that municipalities' IDPs are aligned thereto;
- Ensuring the alignment of licensing, permitting and authorisation processes that stem from the new legislative frameworks to create an integrated regulatory system;
- Facilitating provincial capacity building, advocacy and environmental education and awareness initiatives to facilitate and support the development of sustainable development programmes;
- Monitoring and the evaluation of the implementation of departmental policies, plans and programmes,
- Conducting environmental compliance monitoring and enforcing legislation;
- Promoting co-operative governance with all organs of state whose legislative mandates overlap with or affect the core functions of the Department;
- Developing integrated information management systems to support decision making, policy making and environmental and spatial planning;
- Filling of posts and devising measures to retain staff in all posts within the Programme to give effect to the newly restructured Department;

- Effectively contributing to the Departmental environmental planning and heritage law reform programme to ensure that the provincial planning, biodiversity management, coastal management, and pollution and waste management aspects are incorporated in the legislation.

## 12.2 POLICIES, PRIORITIES AND STRATEGIC OBJECTIVES

The objectives and priorities of the Programme, as stated below, adhere and subscribe to provincial and national policies and guidelines and specifically the vision of the Western Cape Government to create a "Home for All", underpinned by the strategy of iKapa Elihlumayo, articulated in the Provincial Growth and Development Strategy.

The Provincial Spatial Development Framework provides a spatial dimension to the policies and strategies of the Programme and Sub-Programmes and is aligned to the National Spatial Development Perspective. It furthermore took cognisance of and is aligned with the National Medium Term Environmental Sector Plan.

### STRATEGIC GOAL 1:

Providing cutting-edge leadership and innovative approaches to sustainable environmental management and integrated development planning.

#### STRATEGIC OBJECTIVE:

- To facilitate a paradigm shift in planning and environmental management for the development of integrated people-centred systems, measures and processes.
- To ensure environmental integrity and progressive realisation of environmental rights.

#### KEY MEASURABLE OBJECTIVES:

- To support strategic decision-making and interventions to enhance planning and environmental management.
- To implement monitoring measures, policies and programmes for environmental protection.

### STRATEGIC GOAL 2:

Enhancing the quality of life of all our people through facilitating vibrant integrated and sustainable human settlements.

#### STRATEGIC OBJECTIVE:

- To undertake spatial planning that promotes and guides the sustainable future development of the Province and redresses spatial inequalities.
- To provide integrated and holistic environmental and land management in order to foster renewal in our human settlements.

#### KEY MEASURABLE OBJECTIVES:

- To develop the Provincial Spatial Development Framework and provide guidance and support for implementation.
- To develop programmes aimed at clean, healthy and improved human settlements.





**STRATEGIC GOAL 3:**

Facilitating equitable access to, and the sustainable utilisation of, our natural resources.

**STRATEGIC OBJECTIVES:**

- To develop intervention strategies to facilitate equitable access to, and utilisation of, our natural resources.

**KEY MEASURABLE OBJECTIVES:**

- To unlock opportunities and potential for growth in the environmental sector.
- To create opportunities for access to our natural resources specifically for marginalised communities.
- To develop and implement programmes that promote sustainable utilisation of natural resources.

**12.3 ANALYSIS OF CONSTRAINTS AND MEASURES PLANNED TO OVERCOME THEM**

The primary constraints to achieving the objectives of the Programme are:

- The reluctance of some municipalities to embrace environmental management and sustainable development principles and practices to improve the quality of the lives of their citizens.
- The impact of poverty and lack of employment opportunities in the Western Cape. Development that will create employment and income is often in conflict with the principle of sustainable development and it is a significant challenge to ensure that development is undertaken in such a way that it does not degrade the environment.
- High numbers of officials leaving the Programme for other better remunerated positions in other government departments, municipalities and the private sector.
- Fragmented environmental legislation, largely because the legal mandates are assigned to a number of departments and public entities at all three spheres of government.
- Inadequate IT support and lack of integrated information systems.
- The inadequate enforcement of environmental legislation by the authorities is a significant constraint to achieving the planning, environmental management and sustainable development goals and objectives of the Programme.
- Poorly defined roles and responsibilities of different spheres of government.
- The lack of reliable datasets that are available for planning at appropriately detailed level.

Measures that the Programme is putting in place to address the constraints listed above include:

- Develop measures to ensure a new paradigm with regards to spatial planning, human



settlement and approaches to the execution of functions and responsibilities of the Programme;

- Law reform and the development of MOUs to clarify the roles and responsibilities of different spheres of government;
- Ensuring that the provincial outputs contained in the Medium Term Environmental Sector Implementation Plan are explicitly included in the operations of the Programme;
- Identify community based projects and implement them (subject to the availability of appropriate transfer funds);
- Recruitment of staff to vacant posts as soon as possible;
- Support municipalities to undertake pro-active spatial planning in order to ensure clarity on where to develop and what areas to conserve;
- Advocacy and awareness programs to ensure greater community involvement and participation;
- Develop integrated information management systems and accurate data sets.

#### 12.4 DESCRIPTION OF PLANNED QUALITY IMPROVEMENT MEASURES

Orderly, pro-active long term planning is necessary to ensure sustainable development to promote a harmonious society, integrated communities, better quality living spaces and improved quality of life of all citizens of the Province.

The Programme will support job creation and alleviation of poverty initiatives in its efforts to ensure that the 'Home for All' exists in a high quality environment, where the environment is managed in a sustainable way to provide the citizens of the province with efficient and effective services.

Planned quality improvement measures for the Programme include:

- Continuous training and capacity building of staff;
- Creating a corporate environment and culture of belonging, caring and support that will increase loyalty, productivity and service delivery;
- Capacity building workshops with communities, officials and councillors of municipalities and other stakeholders;
- Well-managed partnerships with organs of state, including municipalities as well as environmental NGOs and CBOs so that environmental management issues can extend deeply into the provincial communities;
- IT support services to municipalities to ensure that reliable information is made available for better decision-making;
- Memorandums of Understanding with major role players in order to clarify functions and service delivery.





## 12.5 RESOURCING INFORMATION

- Personnel:
  - As a result of the recent restructuring of the Programme new posts came into existence, which were filled in support of the Department's equity plan. However, the inequality of remuneration and incentives among the Province, municipalities and the private sector hamper the recruitment and retention of staff.
  - The inexperience of new staff needs to be addressed by means of continuous and adequate training and capacity-building programmes.
  - An adequate and effective incentive scheme (including the development of Code of Remuneration (CORE) for occupational classes who do not yet have them) to attract and retain competent staff should be investigated.
  - Alignment of remuneration between municipalities and other government spheres needs to be addressed. (National competency).
  - An effective personnel and support service.
- Equipment:
  - To ensure that a high level of efficiency is maintained, personnel must be provided with adequate equipment in order to fulfil their functions successfully.
  - Provision of adequate office accommodation for personnel of the Programme.
  - Maintain and improve communication infrastructure and support service (telecommunication; Information Technology).
- Systems:
  - Urgent development of an effective integrated information management system (IMS) e.g. document management system and GIS.
  - An effective Registry is a prerequisite to attain the strategic objectives.
- Finance:
  - The effective attainment of this Programme's strategic goals and objectives could be impaired by budget constraints.





## PART C: BACKGROUND INFORMATION

### 13. APPENDIX ONE: ANALYSIS OF SERVICE DELIVERY ENVIRONMENT

#### LEGISLATIVE AND OTHER MANDATES

##### NATIONAL

Constitution of the Republic of South Africa, 1996	Act No. 108 of 1996
Seashore Act, 1935	Act No. 21 of 1935
Workmen's Compensation Act, 1941	Act No. 30 of 1941
Pension Funds Act, 1956	Act No. 24 of 1956
Atmospheric Pollution Prevention Act, 1965	Act No. 45 of 1965
Mountain Catchment Areas Act, 1970	Act No. 63 of 1970
Sea Birds and Seals Protection Act, 1973	Act No. 46 of 1973
Forest Act, 1984	Act No. 122 of 1984
Environment Conservation Act, 1989	Act No. 73 of 1989
Minerals Act, 1991	Act No. 50 of 1991
Occupational Health and Safety Act, 1993	Act No. 85 of 1993
Public Service Act, 1994	Proclamation No.103 of 1994
Labour Relations Act, 1995	Act No. 66 of 1995
Basic Conditions of Employment Act, 1997	Act No. 75 of 1997
Division of Revenue Acts	Act No.7 of 2003
Employment Equity Act, 1998	Act No. 55 of 1998
National Forests Act, 1998	Act No. 84 of 1998
Skills Development Act, 1998	Act No. 97 of 1998
National Environmental Management Act, 1998	Act No. 107 of 1998
Public Finance Management Act, 1999	Act No. 1 of 1999
Skills Development Levies Act, 1999	Act No. 9 of 1999
Promotion of Access to Information Act, 2000	Act No. 2 of 2000
Prescription Act, 1969	Act No. 68 of 1969
Promotion of Administrative Justice Act, 2000	Act No. 3 of 2000
National Archives of South Africa Act, 1996	Act No. 43 of 1996
Disaster Management Act, 2002	Act No. 57 of 2002
Hazardous Substances Act, 1973	Act No. 15 of 1973
Mineral and Petroleum Resources Development Act, 2002	Act No. 28 of 2002
Gas Act, 2001	Act No. 48 of 2001
White Paper on Environmental Management Policy for South Africa	Gazette 18894, Notice 749, 15 May 1998
White Paper on Integrated Pollution and Waste Management for South Africa	Gazette 20978, Notice 227, 17 March 2000
White Paper for Sustainable Coastal Development In South Africa	April 2000
Removal of Restrictions Act, 1967	Act No. 84 of 1967
Less Formal Township Establishment Act, 1991	Act No.113 of 1991
Regulations in terms of Development of Black Communities Act, 1984	Act No. 4 of 1984
Physical Planning Act, 1991	Act No. 88 of 1967
Development Facilitation Act, 1995	Act No. 67 of 1995
Local Government: Municipal Systems Act, 2000	Act No. 32 of 2000
Upgrading of Land Tenure Rights Act, 1991	Act No. 112 of 1991
Extension of Security of Tenure Act, 1997	Act No. 62 of 1997
Restitution of Land Rights Act, 1994	Act No. 22 of 1994
Cape Outspans Act, 1937	Act No. 17 of 1937





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National Heritage Resources Act, 1999	Act No. 25 of 1999
Subdivision of Agricultural Land Act, 1970	Act No. 70 of 1970
Tobacco Products Control Amendment Act, 1999	Act No. 12 of 1999
National Water Act, 1998	Act No. 36 of 1998
National Water Services Act, 1997	Act No. 108 of 1997
Conservation of Agricultural Resources Act, 1983	Act No. 43 of 1983
White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity	Gazette 18163 of May 1997
The National Environmental Management: Biodiversity Bill, 2004	Act 10 of 2004
The National Environmental Management: Biodiversity Bill: Commencement Proclamation	Gazette 26887, Notice R. 47 of 2004
The National Environmental Management: Protected Areas Act, 2003	Act 57 of 2003

(NB: It is expected that the act above (NEM: Protected Areas Act) will come into effect in the second half of 2005);

### PROVINCIAL

Noise Control Regulations	Provincial Notice 627/ 1998
Regulations promulgated in terms of the Environment Conservation Act, 1989	R 1183 of 5 September 1997
Western Cape Law on the Powers and Privileges of the Provincial Legislature, 1995	Law No. 3 of 1995
Provincial Development Council Law, 1996	Law No. 5 of 1996
Constitution of the Western Cape, 1997	Act No. 1 of 1998
Western Cape Land Administration Act, 1998	Act No. 6 of 1998
Western Cape Nature Conservation Board Act, 1998	Act No. 15 of 1998
Western Cape Planning and Development Act, 1999	Act No. 7 of 1999
Western Cape Nature Conservation Laws Amendment Act, 2000	Act No. 3 of 2000

### ORDINANCES

Land Use Planning Ordinance, 1985 as amended	Ordinance 15 of 1985
Nature Conservation Ordinance, 1974	Ordinance 19 of 1974
Problem Animal Control Ordinance, 1957	Ordinance 26 of 1957
Municipal Ordinance, 1974	Ordinance 20 of 1974

