

DATE:

**REPORT TO: SPATIAL PLANNING & ENVIRONMENT PORTFOLIO COMMITTEE
THE MAYORAL COMMITTEE
COUNCIL**

SPE 09/06/20

1. ITEM NUMBER

2. SUBJECT

REQUEST TO MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING TO REQUEST CONCURRENCE FOR ENVIRONMENTAL MANAGEMENT FRAMEWORKS FROM THE NATIONAL MINISTER OF ENVIRONMENT, FORESTRY & FISHERIES.

VERSOEK AAN MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING OM TOESTEMMING TE VERSOEK VIR OMGEWINGSBESTUURRAAMWERKE VAN DIE NASIONALE MINISTER VAN DIE OMGEWING, BOSBOU EN VISSERYE.

ISICELO ESIYA KUMPHATHISWA WOBURHULUMENTE BOMMANDLA, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHURLISO SOKUBA ACELE IMVUME YEZAKHEKO ZOLAWULO LOKUSINGQONGILEYO KUMPHATHISWA WESIZWE WOKUSINGQONGILEYO, EZAMAHLATHI NOKULOBA.

L3661

3. DELEGATED AUTHORITY

In terms of delegation

- a) Delegation 9 of Part 7 of the Council's System of Delegations (General Delegations to the Spatial Planning & Environment Portfolio Committee) in terms of Council's System of Delegations (22 August 2019 V4):
- (9) To assist the Executive Mayor to determine the best way, including partnership and other approaches, to deliver on Council's strategies, programmes and services to the maximum benefit of the City within the committee's functional area and to recommend the same to the Executive Mayor together with the Mayoral Committee for submission to Council

This report is

- Committee name** : Spatial Planning and Environment
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

4. DISCUSSION

The City of Cape Town proposes to initiate and prepare Environmental Management Frameworks (EMFs) for the metropolitan area as part of the current process to update the District Spatial Development Plans (SDPs). The 2012 District SDPs include EMFs but these need to be revised. The updating of the District SDPs will convert to them to District Spatial Development Frameworks (SDFs). The integration of EMFs into the District SDFs will facilitate integrated and harmonious decision making and service delivery.

The Environmental Management Framework Regulations (Government Gazette No. 33306 No. R. 547 18 June 2010), make provision for:

2. (1) '(a) for the Minister or MEC with concurrence of the Minister to initiate the compilation of information and maps referred to in section 24(3) of the Act specifying the attributes of the environment in particular geographical areas;
(b) for such information to inform environmental management; and
(c) for such information and maps to be used as Environmental Management Frameworks in the consideration, as contemplated in section 24(4)(b)(vi) of the Act of applications for environmental authorisations in or affecting the geographical areas to which those frameworks apply'.

In order to facilitate this process, the MEC of Local Government, Environment & Development Planning is required to request concurrence from the National Minister of Environment, Forestry & Fisheries.

In terms of the Council's System of Delegations, the purpose of this report is to request the Spatial Planning & Environment Portfolio Committee to recommend to the Executive Mayor, together with the Mayoral Committee, that they submit to Council, for approval, the request to the MEC of the Western Cape Department of Environmental Affairs & Development Planning to request the concurrence of the National Minister of Environment, Forestry & Fisheries for the initiation of Environmental Management Frameworks (EMFs) to form part of the City of Cape Town district spatial frameworks. This report further seeks approval from Council for the Executive Mayor to sign this request on behalf of the City. A draft letter expressing this request, for signature by the Executive Mayor, is attached as Annexure A.

The district SDFs will be presented to the competent authority as EMFs for adoption in terms of the requirements of section 24(3) of the National Environmental Management Act, 107 of 1998 (NEMA), read together with the requirements of the Environmental Management Framework Regulations, 2010.

The integrated SDF/EMF will be consistent with the provisions of section 24 (2) (e) and 24 (5) (bA) of NEMA, that enables certain activities contemplated in sections 24(2) (a) and (b) of NEMA to be excluded from the requirement to obtain an environmental authorisation from the competent authority upon adoption of the integrated SDF/EMF.

This will be applicable to specific geographical extents identified in the municipal area for which detailed information will be gathered and presented in the integrated EMF/SDF to inform the decision to exclude certain activities from the requirement to obtain environmental authorisation.

Financial Implications None Opex Capex

Capex: New Projects

Capex: Existing projects requiring additional funding

Capex: Existing projects with no additional funding requirements

Policy and Strategy Yes No

Legislative Vetting Yes No

Legal Compliance

Staff Implications Yes No

Risk Implications Yes No

5. RECOMMENDATIONS

It is recommended that:

- (i) The Spatial Planning & Environment Portfolio Committee recommend to the Executive Mayor, together with the Mayoral Committee, that they submit to Council, for approval, the request to the Minister of Local Government, Environmental Affairs & Development Planning to request concurrence from the National Minister of Environment, Forestry & Fisheries for the initiation of Environmental Management Frameworks to form part of the City of Cape Town District Spatial Development Frameworks.
- (ii) The Executive Mayor, together with the Mayoral Committee submit to Council, for approval, the request to the Minister of Local Government, Environmental Affairs & Development Planning to request concurrence from the National Minister of Environment, Forestry & Fisheries for the initiation of Environmental Management Frameworks to form part of the City of Cape Town District Spatial Development Frameworks.
- (iii) Council approve the submitting of the request to the Minister of Local Government, Environmental Affairs & Development Planning to request concurrence from the National Minister of Environment, Forestry & Fisheries for the initiation of Environmental Management Frameworks to form part of the City of Cape Town District Spatial Development Frameworks.
- (iv) Council authorise the Executive Mayor to sign, on behalf of the City, the request to the Minister of Local Government, Environmental Affairs & Development Planning to request concurrence from the National Minister of Environment, Forestry & Fisheries for the initiation of Environmental Management Frameworks to form part of the City of Cape Town District Spatial Development Frameworks.

Daar word aanbeveel dat:

- (i) Die portefeuljekomitee oor ruimtelike beplanning en die omgewing by die uitvoerende burgemeester tesame met die burgemeesterskomitee aanbeveel dat hulle die versoek aan die minister van plaaslike regering, omgewingsake en ontwikkelingsbeplanning waarin die instemming van die nasionale minister van omgewing, bosbou en visserye versoek word om die omgewingsbestuursraamwerke deel van die Stad Kaapstad se ruimtelike ontwikkelingsraamwerke te maak, vir goedkeuring by die Raad aanbeveel.

- (ii) Die uitvoerende burgemeester tesame met die burgemeesterskomitee die versoek aan die minister van plaaslike regering, omgewingsake en ontwikkelingsbeplanning waarin die instemming van die nasionale minister van omgewing, bosbou en visserye versoek word om die omgewingsbestuursraamwerke deel van die Stad Kaapstad se ruimtelike ontwikkelingsraamwerke te maak, vir goedkeuring by die Raad aanbeveel.
- (iii) Die Raad goedkeuring verleen vir die rig van die versoek aan die minister van plaaslike regering, omgewingsake en ontwikkelingsbeplanning waarin die instemming van die nasionale minister van omgewing, bosbou en visserye versoek word om die omgewingsbestuursraamwerke deel van die Stad Kaapstad se ruimtelike ontwikkelingsraamwerke te maak.
- (iv) Die Raad magtiging aan die uitvoerende burgemeester verleen om namens die Stad die versoek aan die minister van plaaslike regering, omgewingsake en ontwikkelingsbeplanning waarin die instemming van die nasionale minister van omgewing, bosbou en visserye versoek word om die omgewingsbestuursraamwerke deel van die Stad Kaapstad se ruimtelike ontwikkelingsraamwerke te maak, te onderteken.

Kundululwe ukuba:

- (i) IKomiti yeMicimbi yoCwangciso lamaBala nokuSingqongileyo mayenze isindululo kuSodolophu weSigqeba kunye nakwiKomiti kaSodolophu ukuba bangenise kwiBhunga isicelo ukuba siphunyezwe esijoliswe kuMphathiswa wePhondo ojongene nezobuRhulumnte boMmandla, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso ukuba kucelwe ngokuvumelana kuMphathiswa weSizwe ojongene nokuSingqongileyo, ezamaHlathi nezokuLoba elwandle ukuze kusungulwe iZakheko zoLawulo lokuSingqongileyo ukuba zibeyinxal'enye yeZakheko zoPhuhliso lwamaBala zeSithili zeSixeko saseKapa.
- (ii) USodolophu weSigqeba kunye neKomiti yeSigqeba sakhe mabangenise kwiBhunga isicelo ukuba siphunyezwe esijoliswe kuMphathiswa wePhondo ojongene nezobuRhulumnte boMmandla, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso ukuba kucelwe ngokuvumelana kuMphathiswa weSizwe ojongene nokuSingqongileyo, ezamaHlathi nezokuLoba elwandle ukuze kusungulwe iZakheko zoLawulo lokuSingqongileyo ukuba zibeyinxal'enye yeZakheko zoPhuhliso lwamaBala zeSithili zeSixeko saseKapa.

- (iii) IBhunga maliphumeze ukungeniswa kwesicelo kuMphathiswa wePhondo ojongene nezobuRhulumente boMmandla, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso ukuba kucelwe ngokuvumelana kuMphathiswa weSizwe ojongene nokuSingqongileyo, ezamaHlathi nezokuLoba elwandle ukuze kusungulwe iZakheko zoLawulo lokuSingqongileyo ukuba zibeyinxal'anye yeZakheko zoPhuhliso lwamaBala zeSithili zeSixeko saseKapa.
- (iv) IBhunga malinikezele igunya kuSodolophu weSigqeba, ekwenza oko egameni leSixeko ukuba acele kuMphathiswa wePhondo ojongene nezobuRhulumente boMmandla, iMicimbi yokuSingqongileyo noCwangciso loPhuhliso ukuba kucelwe ngokuvumelana kuMphathiswa weSizwe ojongene nokuSingqongileyo, ezamaHlathi nezokuLoba elwandle ukuze kusungulwe iZakheko zoLawulo lokuSingqongileyo ukuba zibeyinxal'anye yeZakheko zoPhuhliso lwamaBala zeSithili zeSixeko saseKapa.

ANNEXURES

Annexure A: Draft letter to MEC: Dept. of Environmental Affairs & Development Planning

FOR FURTHER DETAILS CONTACT

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DIRECTORATE	Spatial Planning and Environment	FILE REF NO	21/1/1/6/1

Approval Form

Supported for inclusion on the agenda



Request Concurrence For Environmental Management Frameworks

Report Reference: 514751
Meeting: Section 79 Portfolio Committee - Spatial Planning and Environment
Meeting Date: 02.04.2020
Meeting Venue: Meeting Room 2 6th Floor Podium

Contact Person: Janet Bodenstein
Contact Telephone: 0214872133
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Item	Section	Approver	Approval	Approved Date	Approver Comments
01	Author	JANET BODENSTEIN	Approved	20.03.2020 14:33:54	Approved
02	Author	JANET BODENSTEIN	Approved	26.03.2020 15:06:55	Approved
03	Director	KEITH WISEMAN	Approved	30.03.2020 12:58:58	
04	Executive Director	OSMAN ASMAL	Approved	02.04.2020 15:59:57	
05	Legal Compliance	Joan Mari Holt	Approved with Comments	07.04.2020 11:46:43	Certified as legally compliant based on the contents of the repo
06	Chairperson	Edwin Andrews	Approved	15.04.2020 09:41:38	

ECS Officer:



3 March 2020

Mr A Bredell
Department of Environmental Affairs & Development Planning
Western Cape Government
Utilitas Building
1 Dorp Street
Cape Town
South Africa

Dear Mr Bredell

Request for the Department of Environmental Affairs & Development Planning to request the concurrence of the National Department of Environment, Forestry & Fisheries (DEFF) to enable initiation of Environmental Management Frameworks for the City of Cape Town.

In terms of the City of Cape Town System of Delegations to the Executive Director, Spatial Planning & Environment, dated 31 March 2019, Part 4, delegation 39(9), the purpose of this letter is to initiate, prepare and publicly participate and submit for approval by the relevant competent authority Environmental Management Frameworks for the Cape Town area.

The City of Cape Town proposes to initiate and prepare Environmental Management Frameworks (EMFs) for the metropolitan area and requests the assistance of the Department of Environmental Affairs & Development planning (DEA&DP). May we thus request that you request the required concurrence from the National Minister of Environment, Forestry and Fisheries to enable the Department Environmental Affairs & Development Planning to assist the City in this process.

The City of Cape Town is in the process of updating its District Spatial Development Plans (SDPs) to bring them into line with the City's Municipal Spatial Development Framework (April 2018).

- a) The EMFs will be fully integrated into the revised SDPs, which will become district SDFs. The district SDFs will be presented to the competent authority as EMFs for adoption in terms of the requirements of section 24(3) of the National Environmental Management Act, 107 of 1998 (NEMA), read together with the requirements of the Environmental Management Framework Regulations, 2010, and

b) The integrated SDF/EMF will be consistent with the provisions of section 24 (2) (e) and 24 (5) (bA) of NEMA, that enables certain activities contemplated in sections 24(2) (a) and (b) of NEMA to be excluded from the requirement to obtain an environmental authorisation from the competent authority upon adoption of the integrated SDF/EMF. This will be applicable to specific geographical extents identified in the municipal area for which detailed information will be gathered and presented in the integrated EMF/SDF to inform the decision to exclude certain activities from the requirement to obtain environmental authorisation.

Should you require any further information, please contact the Acting Director: Environmental Management Department, Mr Keith Wiseman or the Head, EMF & Review, Mrs Janet Bodenstein.

Yours sincerely

Dan Plato
Executive Mayor