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Co-operative governance - a South African perspective relating to strategic environmental planning

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Dear Sir,

COMMENTS ON THE DRAFT REPORT ON THE DESIRED STATE OF THE ENVIRONMENT FOR THE LESEDI LOCAL MUNICIPALITY

This letter serves to inform you that GDACE has reviewed the above-mentioned report. The Department has the following comments:

1. **General Comments applicable to entire document**

1.1 To start with, the document should have an Annexure showing the "Title" and all stakeholders involved in its compilation. The address (i.e. contacts details) of all the three stakeholders involved in the EMF process should be presented on the covering page.

1.2 In addition, the logo of Lesedi Local Municipality and Gauteng Department of Agriculture Conservation and Environment (GDACE) must be placed on the front page of the document.

1.3 Table of contents section must be included to guide the reader during the evaluation and review of the report.

1.4 Brief background on the Lesedi EMF process and stages that led to the compilation of the Desired State of the Environment Report must be presented in the report.

1.5 A section outlining acronyms and maps used in the document must be included in the glossary.

1.6 Introduction must be used to draw the reader's attention to the prevailing state of the environment in the study area and the aims of the report towards reaching the desired state of the environment. In the report, it has been used to define the term "sustainable development". A new section dealing with the definition of the term "Sustainable Development" must be included.

1.7 The sources of information presented in the text have not been referenced.

1.8 The presentation of information in the report can generally be improved by avoiding the following grammatical and spelling errors:

- The use of "plural instead of singular words or the other way around" in the paragraphs (check page 2, 4, 7 and 9);
- The use of inappropriate "words" in instances where standard English words can be used (check page 3, 4, 7 and 8);
- The spelling errors show that the document was not checked (check page 2, 4, 7, 9 and 11); and
- Order of words in certain instances makes it difficult to understand the meaning of sentences (check page 10).

2. Specific comments applicable to Section 1; (Introduction)

It is suggested that the following information be included in Point 1 **(Introduction)** of the Report:

a) Background on Lesedi EMF and presentation of the prevailing state of the environment in the study area and the aims of this report to better the situation. GDACE's mandate in the management of the environment within the Gauteng province as well as the LLM, and the associated link with the process of compiling and developing this Desired State of the Environment Report should be highlighted.

b) A brief indication of the data collection methodology and the nature of information collected and presented in the DSER in terms of:
   - Information sources; and
   - Quality, detail and extent thereof.

3. Specific comments applicable to Section 2, (Factors determining sustainable development)

It is suggested that section 2.1 (Land Use) should provide brief land use information on the study area. It should indicate the land use opportunities and constraints within Lesedi.

In item 2.1.1; indication must be made of the responsible parties to enforce land use requirements within the Lesedi municipality and how will that enforcement be attained.

Item 2.1.2; mention should be made of types of industries (i.e. 1, 2 or 3) found in the study area and their suitability for different land use areas according to their impacts on the environment. Not all industrial activities on farms can be prohibited as some are agricultural related (e.g. poultry, warehousing, milling etc.). To prevent negative impacts, Best Available Technology and audit reports should be encouraged for use in industries. Contrary to what has been mentioned in section 2.1.2; GDACE does not have principles but guidelines and policies guiding the decision-making process.

Item 2.1.3; new regulations will determine assessment requirements to deal with these commercial farming activities. Whether new enterprises require EIA will be dependent upon their size and type of activity to be undertaken as some activities may be exempted from the EIA based on their size.

Item 2.1.4 states, "Further mining activities should be discouraged due to their potential negative environmental impacts". As per section 48 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), restriction or prohibition of prospecting and mining on certain land is subject to certain conditions. The Department of Minerals and Energy is the delegated authority with regard to declaring moratorium on certain pieces of land. Rather than discourage mining, measures should be put in place that will ensure that all mines comply with legislation and existing operation rights to fit in with the desired state of the environment in the area.

Item 2.1.6; impacts of new service infrastructure on the environment must be investigated before such infrastructure is constructed or installed. Of particular concern, is the capacity of treatment works and landfills to accommodate new developments.

4. **Specific comments applicable to Section 3 (Social Development)**

Sub-section 3.1; information on the status of archaeological, historical and cultural resources within the LLM should be included in this report. The desired state of these resources and their utilisation (i.e. tourism and public education) should be clearly highlighted. For example, archaeological sites of considerable significance are found located within the Heidelberg Kloof area and such information is not presented in this report.

5. **Specific comments applicable to Section 4 (Natural and Ecological Environment)**

Sub-section 4.1 (Biodiversity); it is suggested that examples of areas affected by human activity and those still in pristine conditions be highlighted in the report.

Item 4.1.1 (Man-made Habitats); the practicality of replacing alien trees/or vegetation with indigenous ones needs to be investigated as the exercise could be costly to individual land owners. The Department of Water Affairs has a programme running and is the responsible authority.

Item 4.1.2 (Natural Habitats); wetland delineation is not a good indicator of the wetland boundary as wetlands at times extend more than 50m. Some species burrow more than 200m from the water's edge where nesting takes place. GDACE's Conservation sub-directorate can provide guidance in this regard. Another important issue is also to make provisions for the rehabilitation and/or remediation of polluted water bodies (e.g. water from treatment plants or polluted by industry before discharge into streams).

Information on the types of ridges found in the Lesedi Local Municipality should be highlighted (i.e. both transformed and untransformed). Maps provided should also indicate the location of ridges according to their types.

Sub-section 4.3 (Agricultural Potential); the new regulations and GDACE policy will determine extent of development in areas of high potential agricultural land (e.g. size, level of fragmentation, cost-benefit etc.). The agricultural strategy should be incorporated as well.

Sub-section 4.4 (Open Space Areas); liaison between different departments within the municipality will determine the level of success in protecting public open spaces (e.g. housing, transport etc.).

There should be a separate section (5) on illegal activities addressing the following:
- Quad bikes;
- Dumping; and
- Illegal settlements.

It is suggested that available information regarding legislation, primarily Municipal By-laws, policies and programmes, applicable within the LLM that have implications in terms of the EMF be presented and included in the document. For example, By-laws on illegal dumping of waste. The information on these control management tools should form part of the recommendations in this report.

6. **General comments applicable to Strategic Environmental Management Plan**

Section 1; it should be made clear that GDACE also plays an important role in setting environmental requirements through its guidelines and policies (not only the Council). Measures to deal with the problem of urban edge should be highlighted in the report and how DPLG will be brought into the process.

Sub-section 2.1 (Ecological and Hydrological constraints); the information presented should take into consideration GDACE's C-plan Version 2 information on ecological sensitivity.

Sub-section 2.3 (Agricultural constraints) states; "It is suggested and promoted that all agricultural land within the urban edge should automatically be categorised as a low agricultural potential area". This measure will set a bad precedent compromising measures to protect high agricultural potential land that could be utilised for urban agriculture and food security in the area. Some high potential agricultural land must be designated for agricultural purposes within the urban edge.

Item 2.5.1 (b); according to the new regulations, some developments, in particular, residential developments, with the erf size of more than five hectares in extent will require screening or scoping. There should be no generalisation in terms of determining suitable developments within the urban edge.

(c); GDACE's development guidelines governing the establishment of filling stations should be taken into consideration. The guidelines stipulate that the establishment of new filling stations and associated tank installations is allowed under certain conditions.

Item 2.5.2 (a); Replace the word "Informal developments" with "Associated activities". There is a negative connotation attached to the word "Informal" which often means illegal and undesirable. There seem to be a repetition when using the word "Koppies" and "Ridges". Their explanation is the same and therefore will be advisable to use only one.

Item 2.5.5 (Agricultural control zone); some agricultural related land uses on agricultural land must comply with the regulations as some have potential detrimental impacts on the environment (e.g. feedlots, abattoirs etc.). Not all land with high agricultural potential should automatically be given away for developments as this land can successfully provide means to increase urban food security and employment. Non-compatible land uses on high agricultural potential soils/land should be limited taking the GDACE's and Provincial agricultural strategies into consideration. Subdivisions of agricultural land should be evaluated on the merits of each application depending on the size and agricultural potential of the site to be subdivided.

Item 2.5.7 (Topographical/geo-technical control zones); mention should also be made of constraints other than those presented by ridges and agricultural potential of the soils. For example, areas underlain by dolomite rocks are as important a determining factor in constraints as the other two factors mentioned in this report.

7. General comments applicable to Map 2 (Topographical & Geotechnical constraints)

The information presented in this map does not provide a full extent of the constraints in terms of topography and geotechnical factors. For example, mention should be made of each constraint in the legend provided on the map. Under geotechnical constraints, an indication should be made of constraints present in the study area (e.g. dolomite constraints etc.) Under topographical constraints, difficulties presented by soil and rock types should be mentioned and not only steep slopes. The information is also limited by referencing of the map. The suggestion is that different constraints be represented by different colours to highlight their distribution in the study area.

8. General comments applicable to Map 3 (Agricultural constraints)

The map in this report presents generalised attributes of the study area in terms of soil and agricultural land potential. There is no specific indication of the areas agricultural potential in terms of "High, Medium or Low" potential agricultural land/soils. The suggestion is that GAPA 2 or Zonation Project be used as a guiding tool to determine the actual potential of each area presented in the map. For example, only two colours depicting the agricultural potential of the soil/land in the study area are used (i.e. dark green and light green). This will limit informed decision-making by the Department and the Local Authority in determining the desirable and undesirable land uses on agricultural areas identified.

9. General editorial comment (Spelling, typography and grammar)

Without going into substantial detail regarding editorial profile of the report (accepting the document as a draft), it should be noted that there are several spelling, grammar etc. issues that need to be improved in the text.

10. In conclusion, the Department would like to submit the following:

10.1 An indication must be provided in the report regarding developments taking place beyond the demarcated provincial urban edge and their compatibility with the surrounding land uses. This indication must lead to management action plans to deal with such conflicting land uses.

10.2 It should be noted that the areas between Suikerbosrand Nature reserve, Alice Glockner and Marievale Nature Reserves has been highlighted as an area of high conservation importance. The National Grasslands Programme highlighted this area as one of the twelve (12) areas for interventions and together with GDACE will look at declaring this area as a conservation area. This area also includes land owned by Karan Beef. This is also because several rare birds are found in this area particularly the wetlands in the area. In light of the aforementioned, further information in terms of the desired state of these conservation areas and their significance should be included in the report.

10.3 It is correct that use of land for agricultural purposes should be balanced against other uses like urbanization and industries. However, agricultural related industries (warehouses, feedlots etc.) should not be prohibited on this land as they provide secondary support role to other activities in the area. As mentioned, high agricultural potential land is a very scarce commodity in Gauteng and therefore, the Department maintains that high potential land for agriculture will not be compromised. It must be zoned as agriculture and be used for that purpose including associated facilities.

10.4 GDACE's policies (Gauteng ridges, Red Data plant policies etc), NEMA principles and the provisions of the Provincial Environmental Implementation Plan (EIP) must be considered and given effect in the development of the report. Their role and importance should be clearly indicated in the report. The same applies to LMM's policies and therefore the EMF should be able to identify the existing policy gaps (conflicts) that may need to be reconciled or flagged through the EMF development process.

10.5 An indication must be provided of the extent and the location of, *inter alia*, the following:
- Illegal squatting in the LLM area.
- Illegal dumping of household, building rubble, industrial, agricultural and garden refuse.
- Illegal recreational activities such as off-road biking, 4x4 vehicles etc.
- Illegal mining.

10.6 Untransformed ridge areas (hills, kloofs, etc.) must be identified. Guidelines (if any) for the ecological management of these areas must be included in the report.

10.7 The importance of protecting identified irreplaceable sites in the LLM should be highlighted in the report. It is essential that all irreplaceable sites (specifically the biodiversity features rendering those sites as irreplaceable) are afforded protection and conserved *in situ*.

10.8 The overall biodiversity status of the LLM is also influenced by private nature reserves. Existence and status of these reserves should also be presented in the report including adequate management plans to achieve the desired state in these reserves (e.g. protecting biodiversity, tourism development etc.).

10.9 An indication of the relative extent (in percentage) of the area within the LLM that is protected should be provided. From the information provided in the report, LLM has potential for significantly contributing to conservation of ecological resources and becoming a tourist attraction in Gauteng and this should be emphasised and appropriate measures to achieve this should be included in the report. This is particularly important in light of, *inter alia*, the relatively limited developments and existence of two nature reserves within the LLM area. Conservation measures aimed at conserving and enhancing the ecological status of the area should for instance take cognisance of existence of corridors between the Suikerbosrand and the Alice Glockner nature reserves and ensure their conservation.

10.10 Measures to manage wetlands must be devised and no-go areas with appropriate buffer zones must be established. Guidelines (if any) for the ecological management of these areas must be included in the report. Enforcement of viable buffer zones around wetlands is intended to protect the natural functioning of these systems and the biodiversity that they support. Use of these buffer zones for incompatible land uses (e.g. roads) completely undermines this initiative.

10.11 Reference must be made in the report of the historic and cultural features present in the LLM area (except those in Heidelberg Town) as they are valuable resources that can bring tourism and revenue for the local economy. This should include their current status and future desired state.

10.12 The Integrated Waste Management Planning Process that is currently being undertaken by the Sedibeng District Municipality need to be considered and highlighted in the report. The report should also establish the extent of landfills in the LLM area and how such should be managed.

10.13 Although it is indicated that most of the waste disposal facilities for waste generated within the LLM are located outside the LLM area, it is essential to assess future waste management needs for the area. The same applies to sewage treatment plants. Preferably, land should be set aside in advance for the development of such facilities in order that no development should be permitted within buffer zones of such facilities.

We trust that these comments are useful and that they will be taken into consideration. If you have any queries concerning this issue please contact Leloko Puling at the number provided above.

Yours faithfully

Dr. S.T. Cornelius
Head of Department
Agriculture, Conservation and Environment
Date: 26/06/2006

CC: Lesedi Local Municipality

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