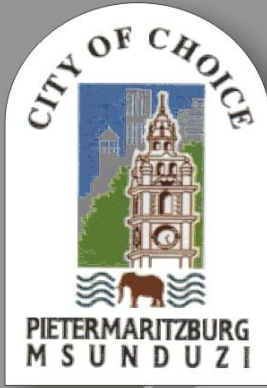


MSUNDUZI MUNICIPALITY



Policy Name:	Integrated Environmental Management Policy [IEMP]
Policy Number:	
Status:	Final Adopted Policy
Date:	01 September 2017
Approved By:	Full Council
Date Approved:	25 April 2018
Date Last Amended:	01 September 2017
Date for Next Review:	01 September 2020
Date Published on Intranet:	09 May 2018



The Msunduzi Municipality

INTERGRATED ENVIRONMENTAL MANAGEMENT POLICY

September 2017

Council resolves in terms of section 111 of the Local Government Municipal Finance Management Act (No. 56 of 2003), to adopt the following proposal as the Integrated Environmental Management Policy of the Msunduzi Municipality,

on

...25 April.....2018.....

Certified extract of the municipal minutes of the council meeting held on

.....25th.....dayfourth.....Month of 2018..... At Council Chambers, City Hall Pietermaritzburg.....

“Council resolves, in terms of section 111 of the Local Government Municipal Finance Management Act (No. 56 of 2003), to adopt the following proposal as the Integrated Environmental Management Policy of the Msunduzi Municipality”.

Name and Signature:

Name and Signature:

.....
CITY MANAGER

.....
CHAIRPERSON OF THE EXECUTIVE COMMITTEE

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PREAMBLE

The Integrated Environmental Management Policy guides the Msunduzi Municipality's integrated approach to environmental governance and sustainability.

South African municipalities have a constitutional and statutory mandate to safeguard and protect the environment of local communities and to actively engage in public environmental governance. The core provisions in this respect include, among others, sections 152 and 153 of the Constitution which state that the objectives of local government include to ensure provision of services in a sustainable manner and to promote a safe and healthy environment. Moreover, municipalities must structure and manage administration, budgeting and planning to prioritise basic needs of communities and must further simultaneously promote social and economic development. The duties of municipalities, in particular local councils, in terms of section 4 of the Municipal Systems Act (Act 32 of 2000) include to -

- a) exercise the municipality's authority and to use its resources (including its natural resources) in the best interest of the local community;
- b) ensure that services are provided in a financially and environmentally sustainable manner;
- c) promote a safe and healthy environment, and
- d) to contribute to the progressive realisation of, among other fundamental rights, the environmental right contained in section 24 of the Constitution.

The latter right is perhaps (apart from local government's close positioning to people and their immediate environment) the clearest indication of local government's obligation to take responsibility for and action (together with the other two spheres of government) towards sustainable environmental governance. Section 24 of the Constitution states that:

Everyone has the right –

- a) to an environment that is not harmful to their health or wellbeing; and
- b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

This section, read with section 7(2) of the Constitution, makes it clear that local government should take positive action towards fulfilling peoples' environmental right across South Africa; both in the rural and urban areas. This right is further reinforced by constitutional entitlements such as the rights of people to access to sufficient water and housing in terms of sections 26 and 27 of the Constitution. Cumulatively, the above constitutional provisions place a responsibility on local government to initiate and facilitate sustainable environmental governance.

Recognising the sustainable development principles as provided for in the Earth Charter and Local Agenda 21, as well as the mandate granted to the Council of the Msunduzi Municipality by the Constitution of the Republic of South Africa, 1996, the National Environmental Management Act 107 of 1998, the Local Government: Municipal

Structures Act 117 of 1998, the Local Government: Municipal Systems Act 32 of 2000 and related legislation pertaining to local government and the environment, this policy provides guidance for the effective regulation of local environmental governance in the jurisdictional area of the Municipality and for the regulation of different aspects related to the relationship between the local community and the environment. This policy also enables the municipality to support and contribute towards national and provincial targets specifically those targets relating to biodiversity and climate change. Moreover, this policy promotes: integrated and co-operative environmental governance; the application of the precautionary principle to avoid negative environmental impacts; the provision of services to communities in a sustainable manner, local government's promotion of a safe and healthy environment as envisaged by the Constitution of the Republic of South Africa, 1996 and the Intergovernmental Relations Framework Act 13 of 2005 as well as the development and implementation of council policies and frameworks such as the Climate Change Policy and the Msunduzi Environmental Management Framework (EMF) [adopted and gazetted in terms of the National Environmental Management Act Environmental Management Framework Regulations (GNR547 of 18 June 2010)]. This policy also gives effect to the rights and duties of local government in terms of section 4 of the Local Government: Municipal Systems Act 32 of 2000.

Furthermore, this Policy is guided by the principles of the National Environmental Management Act 107 of 1998, whereby environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interest equitably.

The principles and provisions of the Promotion of Administrative Justice Act 3 of 2000, the Promotion of Access to Information Act 2 of 2000 and the need for community participation in local government as entrenched in chapter 4 of the Local Government: Municipal Systems Act 32 of 2000 are also recognised, with the view to ensuring accountable and good local environmental governance and sustainability in the Municipality.

DEFINITIONS

In this Policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act -

'Adaptation' in the climate change context, means an adjustment in natural or human systems in response to a changing/changed climate. Even if emissions are stabilized relatively soon, climate change and its effects will last many years and adaptation will be necessary;

'Alien Invasive species' means any species whose establishment and spread outside of its natural distribution range—

- a) threaten ecosystems, habitats or other species or have demonstrable potential to threaten ecosystems, habitats or other species; and
- b) may result in economic or environmental harm or harm to human health;

'Anthropogenic' refers to human induced impacts which result in climate change affects;

'Best practicable environmental option' means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

'Climate Change' means a change in climate over time which is in excess of natural climate variability and is caused by the modification of the atmosphere by anthropogenic activities;

'Conservation area' means open spaces which are zoned conservation in terms of a town planning scheme and includes any nature reserve;

'Council' means the Council of the Msunduzi Municipality or any officer, committee or employee of the Council to which or whom an instruction has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act 32 of 2000 and section 157(1) of the Constitution;

'Delegated official' means any official of the Msunduzi Municipality who has been delegated by Council to administer, implement and enforce the provisions of this policy and associated bylaw;

'Development' means building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks, site preparation and/or land clearing;

'Ecosystem' means a dynamic complex of animal, plant and micro-organism communities and their non-living environment interacting as a functional unit;

'Ecosystem goods and services' means benefits (both direct and indirect) which come as a result of ecosystems that are in a good condition or a set of diverse ecological functions and/or products that are essential to human welfare;

'Ecosystem Services Plan (ESP)' means the Msunduzi Ecosystem Services Plan to be adopted by Council which is a system of open spaces required to maintain ecosystem goods and services as well as ecological corridors;

'Ecological infrastructure' means naturally functioning ecosystems that deliver valuable services to people, such as water and climate regulation, soil formation and disaster risk reduction. It is the nature-based equivalent of built or hard infrastructure, and can be just as important for providing services and underpinning socio-economic development. Provides cost effective, long-term solutions to service delivery that can supplement built infrastructure solutions;

'EMI' means, unless otherwise indicated, a designated Environmental Management Inspector in the local sphere of government as provided for in section 31B and 31C of the National Environmental Management Act 107 of 1998;

'Environment' means the surroundings within which humans exist and that are made up of -

- a) the land, water and atmosphere of the earth;
- b) micro-organisms, plant and animal life;
- c) any part or combination of (a) and (b) and the interrelationships among and between them; and
- d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

'Environmental bylaw' refers to any bylaw of the Municipality that deals with environmental management, the regulation of matters pertaining to a specific natural or cultural resource, the provision of environmental services such as the provision of water services and sanitation and waste services or the risk of harm to the environment;

'Environmental governance' means environmentally responsible decisions and actions executed in terms of local government's executive and legislative powers in the broad sense;

'Environmental management agreement' means an agreement entered into between the Msunduzi Municipality and willing person/s/entity/organization/body corporate with the aim of environmental management of a particular site;

'Environmental service' means any municipal service involving, or that is related to, the natural environment and pollution control such as the provision and maintenance of water services, waste services, sanitation, management and conservation of natural resources and biodiversity and the control of nuisances and air quality;

'Environmental Management Framework (EMF)' means a framework that has been designed and adopted by the Municipality as a regulatory instrument with the content prescribed by the National Environmental Management Act, 1998 (Act 107 of 1998) Environmental Management Framework Regulations;

'Environmental Management Program (EMPr)' means an action oriented program or plan to implement environmental requirements or duties, which includes -

- a) environmental objectives,
- b) environmental targets,
- c) definition of what is planned to be done, who must do it, by when it must be done, how it must be done and the resources required for having it done, and

d) penalties for non-compliance;

'Green building' incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and people. Green buildings are energy efficient, resource efficient and environmentally responsible;

'IDP' means the Integrated Development Plan envisaged in section 25 of the Local Government: Municipal Systems Act 32 of 2000;

'Integrated environmental management' means environmental management or governance which integrates social, economic and environmental considerations into decision-making with the view to achieving the most sustainable results;

'Intergovernmental Relations Framework Act' refers to the Intergovernmental Relations Framework Act 13 of 2005;

'LA21' Local Agenda21 is an action programme derived from the global plan of action for sustainable development called Agenda 21. It is aimed at achieving sustainable development of local urban and settlement communities by the 21st century. In 1992, leaders of 179 countries had gathered in Rio de Janeiro for the United Nations Earth Summit to finalize this plan. The following are the seven principles of LA21:

- a) Multi-sectoral approach;
- b) Integration of social, economic and environmental issues;
- c) Concern for the future;
- d) Equity, justice and accountability;
- e) Recognizing and working within ecological limits;
- f) Developing partnerships with civil society; and
- g) Linking local issues with global impacts.

'Local community' or **'community'** in relation to the Municipality, means that body of persons comprising -

- a) the residents of the Municipality;
- b) the ratepayers of the Municipality;
- c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
- d) visitors and other people residing outside the Municipality who, because of their presence in the Municipality, make use of services or facilities provided by the Municipality, and includes, more specifically, the poor and other disadvantaged sections of such body of persons;

'Local Government: Municipal Structures Act' means the Local Government: Municipal Structures Act 117 of 1998;

'Local Government: Municipal Systems Act' means the Local Government: Municipal Systems Act 32 of 2000;

'Mitigation' with regards to climate change mitigation generally involves reductions in human emissions of greenhouse gases. Mitigation may also be achieved by increasing the capacity of carbon sinks. Climate change mitigation can be referred to as a human intervention which can reduce sources or enhance the sinks of Green House Gases (GHG's);

'EMF' means the adopted Msunduzi Environmental Management Framework (EMF);

'Municipality' when -

- a) referred to as an entity, means the Msunduzi Municipality as a municipality described in section 81(2) of the Local Government Municipal Systems Act 32 of 2000; and
- b) referred to as a geographic area, means the municipal area of the Msunduzi Municipality as determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;
- c) required to fulfil an administrative act such as the issuing of a municipal authorisation means the assigned municipal department or official;

'Municipal authorisation' means the authorisation by the Msunduzi Municipality of a specified activity in terms of this bylaw;

'Municipal manager' means a person appointed as such by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

'Municipal service' means a service that the Municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether -

- a) such a service is provided, or to be provided, by the Municipality through an internal mechanism or by engaging an external mechanism; and
- b) fees, charges or tariffs are levied in respect of such a service or not;

'National Environmental Management Act' means the National Environmental Management Act 107 of 1998;

'Offset' means measures taken to compensate for any residual significant, adverse impacts that cannot be avoided, minimised and / or rehabilitated or restored, in order to achieve no net loss. Offsets can take the form of positive management interventions such as restoration of degraded habitat, arrested degradation or averted risks;

'Organ of State' means -

- a) any department of State or administration in the national, provincial or local sphere of government; and
- b) any other functionary or institution -
 - (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act; or

- (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

'Person' means a natural and juristic person, and includes an organ of state;

'polluter-pays principle' means that those causing adverse environmental effects, pollution and adverse health effects shall be required to pay the full social and environmental costs of avoiding, controlling, mitigating and/or remedying those adverse effects;

'Precautionary principle' means a reasonable, rational, and responsible approach to decision making. It provides a framework for policy making that promotes human health and a sustainable environment, and ensures that future generations of all species have an opportunity to thrive. If the environmental consequences of a particular project, proposal or course of action are uncertain, then the project, proposal or course of action should not be undertaken, the use of predictive tools such as risk assessments should be encouraged to make value judgements in the absence of full information;

'Primary Growth Point' means any section of the business unit or structure, irrespective of its size, that when improved may contribute to the overall growth (or improvement) of that business unit or structure.

'Protected Disclosures Act' means the Protected Disclosures Act 26 of 2000;

'Public participation' carries the same meaning as community participation and for purposes of this Bylaw should be interpreted in the light of chapter 4 of the Local Government: Municipal Systems Act 32 of 2000;

'Resident', in relation to the Municipality, means a person who is ordinarily resident in the Municipality;

'Riparian habitat' includes the physical structure and associated vegetation of the areas associated with a watercourse which are commonly characterised by alluvial soils, and which are inundated or flooded to an extent and with a frequency sufficient to support vegetation of species with a composition and physical structure distinct from those of adjacent land areas;

'SDF' means the Spatial Development Framework;

'SEA' means the Final Msunduzi Strategic Environmental Assessment;

'SEMP' means the Final Msunduzi Strategic Environmental Management Plan;

'Sensitive area' includes the following –

- a) areas as defined as being sensitive within the adopted Msunduzi Environmental Management Framework (EMF);
- b) municipal conservation areas or conservation use zones in an adopted spatial development framework or any land use scheme;
- c) local protected areas which means a nature reserve or protected environment in terms of the National Environmental Management: Protected Areas Act 57 of 2003 or areas zoned as such in an adopted spatial development framework or any land use scheme ;
- d) local area worthy of protection which means an area that, although not statutorily protected, has the same or similar characteristics of protected areas and could in the future be considered for protection;

- e) open spaces which includes areas zoned open space in an adopted spatial development framework or any land use scheme as well as any greenbelt, ravine, riparian area, bird sanctuary, and site of historic, ecological or archaeological value on both public and private land;

'Service provider' means a person or institution or any combination of persons and institutions which provide a municipal service as per section 1 of the Local Government: Municipal Systems Act 32 of 2000;

'Specific Environmental Management Acts (SEMAs)' means –

- a) the Environment Conservation Act, 1989 (Act No. 73 of 1989);
- b) the National Water Act, 1998 (Act No. 36 of 1998);
- c) the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- d) the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004); or
- e) the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004),
- f) the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- g) the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); or
- h) the World Heritage Convention Act, 1999 (Act No. 49 of 1999),

and includes any regulation or other subordinate legislation made in terms of any of those Acts;

'Sustainable development' means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

'The administration' collectively refers to the officials of the Municipality;

'Traditional community' means a traditional community recognised as such in terms of section 2 of the Traditional Leadership and Governance Framework Act 41 of 2003;

'Traditional leadership' means the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised or practiced by traditional communities as per section 2 of the Traditional Leadership and Governance Framework Act 41 of 2003;

'Waste' has the meaning assigned to it in section 1 of the National Environmental Management: Waste Act 59 of 2008 and, in addition means any matter, solid, liquid, or gaseous, which can cause harm to humans, pollution or environmental degradation when advertently or inadvertently released, placed, stored, dumped, disposed, discharged or emitted to the atmosphere, land or water resources, whether or not such substance can be reduced, re-used, recycled and recovered -

- a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- b) which the generator has no further use of for the purposes of production;
- c) that must be treated or disposed of; or

- d) that is identified as a waste by the Minister by notice in the *Gazette*, and includes waste generated by the mining, medical or any other sectors but—
 - (i) a by-product is not considered to be waste; and or
 - (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste;

'Watercourse' means

- a) a river or spring;
- b) a natural channel in which water flows regularly or intermittently;
- c) a wetland, pan, lake or dam into which, or from which, water flows; and
- d) any collection of water which the Minister may, by notice in the *Gazette*, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and

a reference to a watercourse includes, where relevant, its bed, banks and riparian zone;

'Wetland' means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

1. CHAPTER ONE: INTRODUCTION AND VISION

1.1 Introduction

The City of Pietermaritzburg includes a diversity of land uses, including residential of both a rural and urban form, agricultural of both small scale subsistence level as well as larger scale commercial, natural open spaces and industrial and commercial zones within an area of about 640 km². The area is rich in natural, cultural and historical resources but is also confronted with a number of difficulties, such as rectifying past inequity and apartheid inheritances, the need for housing, pollution by industries and communities, unemployment and poor service delivery in outlying areas. The growing needs of the increasing population in Msunduzi have resulted in a greater demand for development and basic service provision. The Msunduzi Municipality acknowledges that, development must be economically and socially sustainable, however it is also imperative that the development challenges facing Msunduzi be addressed in an environmentally sustainable manner.

To overcome the imbalance of providing much needed service delivery, adequate housing, promoting commercial and industrial development, reducing unemployment while simultaneously protecting and conserving the environment. The Msunduzi Municipality has a responsibility towards the well being of the City which includes the protection of its residents and its ecological infrastructure with associated ecosystem goods and services. Examples of such ecological infrastructure are: the Bisley and Ferncliffe nature reserves, watercourses, wetlands, flood plains, grasslands, open spaces to name a few. These areas need to be protected and conserved, as well as rehabilitated in cases where such areas have been degraded, while still ensuring the City's residents are cared for and provided with adequate services.

This policy document will not only address problems regarding basic service delivery, housing, unemployment etc. but will also avoid unnecessary and wasteful expenditure by addressing issues before they escalate into major problems and require costly remedial measures. It also aims to address historic, cultural and environmental imbalances while allowing the City to grow. The policy explores the protection and sustainable use of ecological infrastructure and the ecosystem goods and services they provide within the City of Pietermaritzburg.

1.2 Municipal Vision

The Msunduzi Municipalities 2030 Vision lists a 'clean, green city' as one of its 6 strategic priority city-wide outcomes. The main outcome of this priority is: *"By 2030 Msunduzi is a city protecting our natural environment, our native plants and animal habitats, limiting pollution, greening the city and using our natural resources such as water, wisely. The clean, green city, harnesses our renewable energy supply, public open space creation project and urban renewal and greening programme to those ends. Msunduzi conserves its natural assets while still meeting the demand for more housing, more roads and more services to accommodate our increasing population."* Further to this strategic priority is *"Communities benefit from a linked public open space network providing for a range of sporting, cultural and recreational uses with a 2030 target of facilities within the public, open and green space network being within a 15 minute (walking or cycling) to 100% of residents."*

1.3 Environmental Vision

The Municipality's environmental vision is to systematically implement its environmental policy over the next fourteen years, so that by 2030 the City will –

- a) Be a safe, clean and hygienic environment with an integrated open space system adding balance to the urban and rural environment;

- b) Have environmentally responsible citizens that are well informed about environmental issues and who will be part of an innovative team that contributes to a sustainable living environment;
- c) Have achieved legislated minimum ambient air quality standards and waste management practices that will ensure that the streets, open-spaces, riparian areas of the City are clean and well maintained;
- d) Have minimum pollution by industries brought about by the implementation of policies and of measures that ensure compliance with legislation;
- e) Have a variety of approaches to ensure environmental sustainability for all citizens to benefit from their natural environment;
- f) Achieve balance between economic, social and environmental factors and a balance between conservation and the use of natural resources which will protect the environment for future generations through the development and implementation of policies and plans i.e. EMF, SEMP, Climate Change policy, Mitigation and Adaptation policy;
- g) Ensure the polluter- pays principle is applied and enforced where necessary;
- h) Fully develop the City's tourism potential making Pietermaritzburg the trendsetting City of Choice;
- i) Within the Municipality's actual financial and administrative capacity and having regard to practical considerations, have the duty to–
 - (i) exercise the Municipality's executive and legislative authority and to use the environmental resources within the jurisdiction of the Municipality in the best interests of the local community;
 - (ii) pursue environmental justice within the community and to give all members of the local community equitable access to the municipal services to which they are entitled bearing in mind the rights entrenched in sections 24, 26 and 27 of the Constitution;
 - (iii) encourage the involvement of the local community (including traditional communities and traditional leaders) in environmental decision-making;
 - (iv) strive to ensure that municipal services are provided to the local community in a financially, socially and environmentally sustainable manner;
 - (v) promote and undertake, together with the administration, sustainable development in the Municipality;
 - (vi) promote the adoption of green procurement policies in the application and implementation of the provisions of chapter 11 of the Local Government: Municipal Finance Management Act 56 of 2003; and
 - (vii) Manage its own assets in an environmentally responsible way subject to the provisions of all national, provincial and local environmental laws, and particularly as far as immovable assets of the Municipality are concerned, the provisions of the Government Immovable Asset Management Act 19 of 2007.

2. CHAPTER TWO: LEGAL RESPONSIBILITIES

2.1 Local Government Legal responsibilities

Local government is governed by legislation that protects and supports both the communities and the environment such as –

- a) The constitution of the Republic of South Africa Act 108 of 1996 (section 24) guarantees all citizens the right to a safe and healthy environment. It also provides the right, for the benefit of present and future generations, to an environment that is protected from pollution and destruction through reasonable legislation and other measures. It is the local government's responsibility in terms of the constitution to ensure that the citizens in their respective areas are not deprived of these constitutional rights;
- b) Local government is required by the National Environmental Management Act (Act 107 of 1998) to respect, protect and fulfill all the rights of its people while ensuring the delivery of basic needs especially to the previously disadvantaged communities. NEMA also states that for any sustainable development there must be a balanced integration of social, economic and environmental factors. In addition the act provides principles that commit every organ of state to prevent pollution, disturbance and any other negative impact on any component of the environment. Where prevention is not possible the local authority must minimize and remedy the impact. Local government has to ensure adherence to these principles and follow the right procedures to deal with environmental issues as laid out in this act;
- c) The systemic functioning of any local government is guided by the Municipal Systems Act (Act 32 of 2000), which states that local community members have a right to be part of any decision making process by local government through appropriate guidelines outlined in this act. The act also binds local government to ensuring that they make community participation possible for proper service delivery. In addition, municipalities are bound by this act to prepare an Integrated Development Plan (IDP) that caters for all binding requirements (in terms of legislation) and desirable interventions needed for sustainable development of their respective areas;
- d) The Conservation of Agricultural Resource Act (Act 43 of 1983) provides for control over the utilization of the natural agricultural resources of the Republic in order to promote the conservation of the soil, the water sources and the vegetation. The purpose of this Act is to provide for the conservation of the natural agricultural resources of the Republic by the maintenance of the production potential of land, by the combating and prevention of erosion and weakening or destruction of the water sources, and by the protection of the vegetation and the combating of weeds and invader plants;
- e) The National Environmental Management Biodiversity Act (Act 10 of 2004) sets out State requirements in direct response to the constitution. It requires state organs to manage, conserve and sustain South Africa's biodiversity and genetic resources. It also commits local government to implementing strategies to achieve progressive realization of citizens' constitutional environmental rights. . The Act also provides the combating of weeds and invader plants; and for matters connected there with. Local government's compliance with this act will allow sustainable use and conservation of natural resources. This act additionally requires the local government to take into account the need for the protection of listed ecosystems. Local government shall, in terms of this act, create management plans to monitor, eradicate and prevent the invasion of listed invasive

species. Each land owner shall be required to report such invasion and take steps to control or eradicate the species on their property;

- f) The Water Services Act (Act 108 of 1997) states that all spheres of Government have a duty to ensure efficient, equitable and sustainable provision of water and sanitation services. In this Act municipalities have authority to administer all water supply and sanitation services while all spheres of government are required to observe and adhere to principles of cooperative government;
- g) The National Water Act (Act 36 of 1998) sets out the framework for the management of water resources in South Africa. It intends 'to ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled'. An important component of this Act is the introduction of the concept of the Reserve which has two components; the basic human needs reserve and the ecological reserve. The ecological reserve is the water required to protect the aquatic ecosystems of the water resource. Any organ of state, including municipalities, exercising a power or performing a duty in terms of the National Water Act must give effect to the reserve of a water resource. The Act also has a number of provisions regarding permitting the use of water resources and of activities which may impact on water resources;
- h) The National Environmental Management: Air Quality Act (Act 39 of 2004) states the responsibilities of each of the state organs in terms of air quality. The municipality is required by this Act to identify sources of substances that could be of danger to human well-being. It is also required to have an air quality management plan included in the IDP and to designate an air quality officer to coordinate all matters pertaining to air quality management;
- i) The National Environmental Management: Waste Act (Act 59 of 2008) aims to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation. The Act further states the responsibility of each of the state organs in terms of waste management. The municipality is required by this Act to submit and implement an integrated waste management plan, include the approved integrated waste management plan into the IDP and to designate a waste management officer to coordinate all matters pertaining to waste management;
- j) The National Forests Act, 1998 sets out the framework for forest management in South Africa. It intends to promote sustainable management of forests for the benefit for all. The act requires the municipality to consider its principles when exercising power of performing duty in terms of any other legislation which may impact on a natural forest or woodland; and
- k) The National Veld and Forest Fire Act, 1998 provides for a variety of institutions, methods and practices for preventing and combating veld, forest and mountain fires throughout the Republic. The Act provides for and regulates the formation of fire protection associations as well as the appointment of fire protection officers. It also places duty on owners to prepare and maintain firebreaks.

3. CHAPTER THREE: POLICY PRINCIPLES

3.1 General Policy Principles

For local government to adhere to legislated or legal responsibilities certain principles that will bind both the Municipality and the residents of the City must be set out. The Msunduzi Municipality is committed to the following environmental management principles -

- a) Environmental management in the jurisdiction of the Municipality shall place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably;
- b) Development, planning and service delivery in the Municipality shall be socially, environmentally and economically sustainable within the framework of a developmental local government;
- c) Ensuring alignment of the IDP compiled in terms of chapter 5 of the Systems Act, the SDF and any other planning initiatives such as, but not limited to: local area plans, town planning schemes, precinct plans with the Gazetted Msunduzi Environmental Management Framework (EMF) as well as any other sector environmental plans, policies and national and/or local norms and standards;
- d) Sustainable development requires the consideration of all relevant factors including the following -
 - (i) that the disturbance of ecological infrastructure, ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimized, remedied or are offset at a net-gain basis;
 - (ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimized, remedied or are offset at a net-gain basis;
 - (iii) that the disturbance of landscapes and sites that constitute the local (specifically including any traditional community's) cultural heritage is avoided, or where it cannot be altogether avoided, is minimized, remedied or offset at a net-gain basis;
 - (iv) that waste is avoided, or where it cannot be altogether avoided, be minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;
 - (v) that the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;
 - (vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their ability to regenerate their natural capacity and resilience is jeopardised;
 - (vii) that a risk-averse and pre-cautionary approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and
 - (viii) that negative impacts on the environment and on the local community's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimized, remedied or offset at a net-gain basis.
- e) Environmental management within the Municipality must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions of the Council, officials and members of the local community on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option;
- f) Suitable organizational structures with sufficient staff capacity must be created and maintained within the Municipality for purposes of integrated environmental management in line with the provisions of the Local Government: Municipal Structures Act;
- g) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons within the local community;
- h) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being within the jurisdiction of the Municipality must be pursued and special measures must be taken to ensure access thereto by traditional communities and categories of persons disadvantaged by unfair discrimination;
- i) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity of or within the Municipality exists throughout its life cycle;

- j) The participation of all interested and affected parties in local environmental governance must be promoted, and all members of the local community must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons as well as traditional communities and traditional leadership must be ensured;
- k) Decisions of the Council must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including indigenous and ordinary knowledge;
- l) Community well-being and local empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of environmental knowledge and experience and other appropriate means within the jurisdiction of the Municipality;
- m) The social, economic and environmental impacts of activities within the Municipality, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions of the Council must be appropriate in the light of such consideration and assessment;
- n) The right of members of the staff of the Municipality and of service providers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected;
- o) Environmental decisions of the Council and officials of the Municipality must be taken in an open and transparent manner, and access to environmental information must be provided in accordance with the law;
- p) There must be intergovernmental co-ordination and harmonisation (including inter-and intra-municipal co-ordination and harmonisation) of policies, laws (including the Municipality's bylaws) and actions relating to the environment, especially in those instances where the achievement of sustainability is contingent on effective cross-border co-operation between the Municipality and other local, provincial and national authorities. To this end, the Municipality shall seek, as far as is reasonably possible, to establish, engage and embark on cooperative partnerships with all interested and effected parties whose actions may have an impact on the environment situated in the Municipality's jurisdiction;
- q) The Municipality must actively promote and implement investment in securing, protecting and rehabilitating ecological infrastructure;
- r) The Municipality must contribute as far as possible, where appropriate, to the discharge of international legal responsibilities relating to the environment in the national interest and in the interest of the local community;
- s) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the local community's interest and the environment must be protected as the people's common heritage;
- t) The vital role of women and youth in local environmental governance, management and development must be recognised and their full participation therein must be promoted;
- u) Sensitive, vulnerable, highly dynamic or stressed ecosystems within the jurisdiction of the Municipality require specific attention in municipal management, planning procedures and service delivery, especially where they are subject to significant human resource usage and development pressure;

- v) The Municipality must develop, pursue and actively implement norms and standards of new and innovative approaches to environmental management and the use of new technology in environmental governance in, among others, the following areas –
- (i) Local transportation;
 - (ii) Green Procurement;
 - (iii) Energy efficiency;
 - (iv) Indigenous Landscaping and urban greening;
 - (v) Alien invasive species;
 - (vi) Green building design;
 - (vii) Mitigation, adaptation and community resilience in relation to climate change and environmental disasters;
 - (viii) Protection and/or rehabilitation of sensitive areas and the associated ecosystem services;
 - (ix) Environmental Offsets;
 - (x) Environmental management systems;
 - (xi) Environmental management plans;
 - (xii) Environmental programmes;
 - (xiii) Reduction, re-use and the recycling of waste;
 - (xiv) Water efficiency and reduced water loss;
 - (xv) Stimulating the use of locally produced products; and
 - (xvi) Environmental education.
- w) The Municipality shall amend its other existing policies, plans (including its Integrated Development Plan) and implementation strategies, and develop all future documents of this nature to be in accordance with the above principles in this policy and to generally conform to the provisions of this policy and other relevant national and provincial environmental laws;
- x) Reviewing, revising and updating the Environmental Policy every 3 years;
- y) Recognizing, acknowledging and upholding the environmental rights of all Msunduzi residents as enshrined in section 24 of the Constitution of South Africa;
- z) Conserving and managing biodiversity in accordance with management plans;
- aa) Recognizing relevant NGOs and CBOs, understanding their functions and roles and building partnerships with them;
- bb) Ensuring continual improvement through ongoing monitoring, evaluation and empowerment of all primary growth points;
- cc) Identifying and implementing best environmental practices and activities;
- dd) Liaising with the private sector and communities to predict, recognize and mitigate activities that could negatively impact or affect the environment both locally and globally;
- ee) Enter into environmental management agreements with the private sector and communities;
- ff) In order for the Municipality to give effect to the general objectives of integrated environmental management, the potential impact on -
- (i) the environment of the local community;
 - (ii) socio-economic conditions in the jurisdiction of the Municipality; and
 - (iii) the cultural heritage of the local community,

of activities that require municipal authorisation or permission by law and which may significantly affect the environment, must be considered, investigated and assessed prior to their implementation and reported to the Municipality in the event that local government is charged by law with authorising, permitting, or otherwise allowing the implementation of an activity;

- gg) Ensuring the unavoidable loss of sensitive environmental areas are subject to environmental offsets at a net-gain basis;
- hh) Developing strategies to assist communities in managing resources sustainably;
- ii) Compliance and enforcement;
- jj) Accountability; and
- kk) Comment on and ensure compliance with municipal policies and plans in terms of development applications applying for environmental authorization in terms of NEMA.

3.2 General Environmental Management Tools

This section aims to provide strategic enablers to give effect to the policy. The enablers are a list of management principles and/or tools that must be followed by the municipality for effective implementation of the policy.

The Municipality shall -

- a) Initiate, monitor and ensure the formation of appropriate institutional structures and procedures that will make the implementation of this policy effective. The procedures must include responsibilities regarding the application and implementation of an environmental policy and the structures which must deal directly with the environmental issues of the City;
- b) Ensure that a list of resources required to implement the environmental policy and its strategies is compiled and that these resources are made available to relevant implementing stakeholders where possible;
- c) Transform business units (by adding environmental considerations into each) to enable cooperative, coordinated and mitigated environmental management;
- d) Develop an Environmental Management Programme (EMPr) for the City;
- e) Develop policies and strategies regarding climate change adaptation and mitigation;
- f) By way of notice in the *Provincial Gazette* introduce and promote environmental management instruments or include them as conditions in municipal authorisations issued in terms of its environmental bylaws, including but not limited to -
 - (i) market-based instruments such as rates, taxes, tradable permits, charges, rebates, waste reduction incentives;
 - (ii) civil and voluntary tools, such as risk assessments, monitoring, environmental audits, life cycle assessments, environmental management systems; and
 - (iii) any other related instrument, incentive or tool.

- g) Develop and implement appropriate environmental bylaws to give a force of law to the environmental policy;
- h) Develop and implement a suit of Norms and Standards with regards to best practicable environmental options such as green building design, indigenous landscaping etc;
- i) Incorporate Local Agenda 21 principles into the IDP to ensure sustainable implementation of the policy;
- j) Ensure that a Local Agenda 21 and a Council on Climate Change is established to facilitate participation of all stakeholders in environmental management and in the formulation of strategies for sustainable development and climate change;
- k) Ensure that the Municipal Environmental Management Unit appropriately monitors and audits implementation and compliance with the policy;
- l) Implementation of the Sustainability Appraisal in the Msunduzi SEA;
- m) Ensure that the environmental policy is reflected throughout the IDP;
- n) Ensure that the Municipal Environmental Management Unit facilitates a participatory process to review the policy every 3 years and that the findings are used to amend the policy;
- o) Ensure the integration of environmental considerations in planning, construction and any other municipal function or activity;
- p) Ensure that Municipal business units develop implementation and evaluation strategies for the environmental policy and development plans of the City;
- q) Develop an environmental information system that includes spatial data, state of the environment reports, SEA reports, policies, evaluation strategies, and environmental monitoring and audit reports;
- r) Develop a system of resource accounting and auditing; and
- s) Implement strategies to facilitate transparency between industries, private landowners and the Municipality to allow monitoring of solid waste disposal, water pollution and air pollution.

4. CHAPTER FOUR: POLICY GOALS AND OBJECTIVES

The intention of the goals and objectives is to work towards the environmental vision of the Msunduzi Municipality on the basis of the principles outlined above, and they are intended to guide the procedures and programmes within Msunduzi. These goals and objectives are discussed below.

4.1 Integrated and Co-operative Local Environmental Governance

Goal

To create an operational, suitably resourced and coordinated institutional framework able to support the implementation of this policy.

Objectives

To ensure that Msunduzi Municipality practices co-operative governance with its neighbouring municipalities' in all development planning processes and actively participates in environmental activities and programmes of other organs of state. To achieve this -

- a) The environmental governance activities undertaken by the Municipality shall be aligned with, and complement the environmental governance activities of other neighbouring municipalities and other interested and affected organs of state, so as to give effect to the environmental principles in section 2 of the National Environmental Management Act and the principles for co-operative governance and intergovernmental relations in chapter 3 of the Constitution and the Intergovernmental Relations Framework Act;
- b) The Municipality must, within its available human and financial resources, participate in national environmental governance targets, activities and programmes and similar efforts in the District Municipality as well as in the KwaZulu-Natal Province;
- c) The Municipality shall structure in accordance with the Local Government: Municipal Structures Act its internal organisation in a manner that will ensure optimisation of its local environmental governance and to allow for integrated and coordinated execution and implementation of the Municipality's environmental duties and functions; and
- d) The Municipality shall promote and encourage cooperative environmental governance within the Municipality and among councillors and members of the staff of the Municipality responsible for matters related to the environment and environmental health.

4.2 Environmental Management of sensitive Areas and Ecological Infrastructure

Goal

To ensure the long-term viability, functionality and protection of Msunduzi's biodiversity and ecological infrastructure through the protection and management of such areas.

Objectives

To ensure the formal on-going management of biodiversity and ecological infrastructure in accordance with approved management plans. To achieve this objective the Municipality shall –

- a) Develop and implement an Environmental Management Framework (EMF) in terms of the National Environmental Management Act Environmental Management Framework Regulations (GN RR547 of 18 June 2010);
- b) Create an Ecosystem Services Plan (open space system) representing the full range of habitat types found within the Msunduzi Municipal area;
- c) Develop a generic municipal Environmental Management Programme (EMPr) with associated appendices such as: a rehabilitation plan, an indigenous plant list, an invasive plant list etc;
- d) Promote, support and implement investments in ecological infrastructure;

- e) enter into an environmental management agreement with another organ of state, a local community, an individual or any other interested and affected party for –
 - (i) the co-management of a sensitive area by the parties; or
 - (ii) the regulation of human activities that affect the environment in the area; or
 - (iii) the formal protection of sensitive areas.

 - f) An environmental management agreement shall provide for, among others–
 - (i) the delegation of powers by the management authority to the other party to the agreement;
 - (ii) the apportionment of any income generated from the management of the local protected/conservation/sensitive area and assigned local protected/conservation areas or any other form of benefit sharing between the parties;
 - (iii) the use of biological resources in the area;
 - (iv) occupation of the sensitive area or portion thereof;
 - (v) access to the area;
 - (vi) development of conservation, economic and tourism opportunities within and adjacent to the sensitive area;
 - (vii) development of local management capacity and knowledge exchange;
 - (viii) financial and other support to ensure effective administration and implementation of the co-management agreement;
 - (ix) offset plans and agreements; and
 - (x) any other relevant matters necessary to promote sustainable biodiversity and sensitive areas management.

 - g) The Municipality is responsible to manage –
 - (i) a municipal conservation area;
 - (ii) any other sensitive area on municipal land that may be worthy of protection; and
 - (iii) a protected environment if assigned to it by the MEC or Minister.

 - h) The Municipality must prepare management plans for the municipal owned conservation, protected and sensitive areas and integrate such plans with its IDP;

 - i) The management plans must contain at least -
 - (i) a coordinated policy framework;
 - (ii) such planning measures, controls and performance criteria as may be described;
 - (iii) a programme for the implementation of the plan and its costing;
-

- (iv) procedures for public participation, including, but not limited to, participation by the owner (if applicable), any local community or other interested party;
 - (v) where appropriate, the implementation of community-based natural resource management initiatives; and
 - (vi) a zoning of the area indicating which activities may take place in different sections of the area, and the conservation objectives of those sections.
- j) A management plan shall contain –
- (i) development of economic opportunities within and adjacent to the protected area in terms of the integrated development plan framework;
 - (ii) development of local management capacity and knowledge exchange;
 - (iii) outreach and education activities to inform the public about the value of biodiversity and protected/conservation areas;
 - (iv) financial and other support to ensure effective administration and implementation of co-management agreements as provided in section 15;
 - (v) benefit sharing initiatives with disadvantaged communities to ensure public participation and involvement; and
 - (vi) any other relevant matters necessary to promote sustainable biodiversity and protected areas management.
- k) The Municipality must manage the area exclusively for the purpose for which it was declared and in accordance with –
- (i) the management plan of the area concerned;
 - (ii) the IDP and SDF of the Municipality;
 - (iii) the Protected Areas Act; Biodiversity Act; National Environmental Management Act and any other applicable national legislation;
 - (iv) applicable provincial legislation; and
 - (v) any applicable municipal bylaws.
- l) Sensitive areas must be managed to ensure –
- (i) a long-term perspective that takes the interests of future generations into account;
 - (ii) the interests of all living organisms that depend on the sensitive area and associated key open spaces must be taken into account;
 - (iii) that any development is socially, environmentally and economically sustainable;
 - (iv) the precautionary principle and the sustainability appraisal, as set out in the Msunduzi SEA, is applied to development applications during planning and decision making;

- (v) the protection of biodiversity, riparian areas and ecological infrastructure for the benefit of current and future local communities; and
- (vi) the protection and management of conservation worthy species.

4.3 Biodiversity and Open Spaces

Goal

To ensure the long-term sustainability and protection of Msunduzi's biodiversity by the formalization and adoption of the Ecosystem Services Plan (ESP).

Objectives

To preserve the City's biodiversity and minimize the loss of species resulting from the development of the City and to improve the functional health of fauna and flora habitats. To achieve this objective the Municipality shall -

- a) Identify and protect *rare, endangered, insufficiently known* and *vulnerable* species (occurring in the red data categories);
- b) Restrict and control the feeding of wild animals (e.g. vervet monkey) in order to prevent such wild animals becoming 'problem animals';
- c) Develop bylaws for the protection of open spaces;
- d) Contribute towards national and provincial targets, specifically targets relating to biodiversity and climate change by ensuring local conservation targets as stated in *Appendix 6: Biodiversity Assessment of the Msunduzi Municipality Final Status Quo Report* are met;
- e) Create an Ecosystem Services Plan (open space system) representing the full range of habitat types found within the Msunduzi Municipal area;
- f) Initiate, develop, manage, promote and support Programs to eradicate alien invasive species;
- g) Protect endemic biodiversity and manage plant and animal populations in a manner that is sustainable;
- h) Identify, map and if necessary acquire and rezone land vital for biodiversity conservation and open space purposes; and
- i) Improve the understanding of and appreciation for biodiversity through environmental education and awareness.

4.4 Indigenous Flora and Forests

Goal

To ensure the protection of indigenous flora and to restore Msunduzi to its 'Garden City' status.

Objectives

To conserve and promote sustainable use of indigenous flora in the City. To achieve this objective the Municipality shall –

- a) Recognize the role played by indigenous flora in the environment;
- b) Develop and implement an invasive alien species management plan;
- c) Control and monitor the removal and replacement of trees with suitable indigenous species;
- d) Ensure compliance with relevant legislation;
- e) Adhere to the Municipal Tree Management Policy;
- f) Ensure compliance with management guidelines for commercial forestry within the Municipal boundaries;
- g) Introduce community awareness programs;
- h) Promote greening programs across the entire municipal area; and
- i) Introduce adopt a tree programs.

4.5 Air Quality

Goal

To live in an environment that is not detrimental to human health and wellbeing with respects to air pollution.

13.2 Objective

To maintain air quality at levels that is not a threat to the environment and human well-being. To achieve this objective the Municipality shall -

- a) effectively monitor air pollution levels;
- b) set appropriate ambient air quality standards;
- c) create an air quality management plan for inclusion in the IDP;
- d) educate and inform Municipal workers, citizens and industries within the Msunduzi Area about air quality issues;
- e) put in place a structure with sufficient resources to investigate emissions, monitor compliance and institute corrective actions;
- f) encourage the use of alternative non-polluting energy sources; and
- g) ensure that all quarries and borrow-pits within the municipal area have viable management, closure and rehabilitation plans and are well managed.

4.6 Water Resources and Riparian Areas

Goal

To have access to healthy, functioning water resources and riparian areas throughout Msunduzi and to provide residents with internationally accredited quality potable water. To develop and implement good catchment management strategies in order to protect downstream ecological infrastructure.

Objectives

- a) To ensure the quality of water from rivers, streams and wetlands is suitable for the maintenance of biodiversity, ecological infrastructure, sustainable irrigation use and the protection of human well-being.
- b) To ensure the quality of water meets the minimum legislated standards.

To achieve these objectives the Municipality shall -

- (i) Ensure that water is recognized by all relevant stakeholders as a scarce and valuable resource;
- (ii) Ensure the long-term sustainability of water by managing water demand;
- (iii) Liaise with relevant Catchment Management Agencies and Forums to ensure integrated water resource management;
- (iv) Form a structure to monitor water quality and deal with related issues;
- (v) Identify, map and protect all water resources;
- (vi) Develop a trade effluent policy;
- (vii) Ensure compliance with and enforcement of the municipal water services bylaws;
- (viii) Ensure rehabilitation of land susceptible to erosion;
- (ix) Monitor water quality within Msunduzi riparian areas to meet the minimum standards of freshwater systems;
- (x) Improve the efficiency of its water management measures;
- (xi) provide adequate resources to effectively manage riparian systems including streams, stream banks, floodplains and wetlands;
- (xii) Implement and provide adequate resources for systems to reduce or prevent pollution of riparian habitats; and
- (xiii) Develop measures for and provide adequate resources for the rehabilitation of degraded riparian areas.

4.7 Climate Change Resilience

Goal

Ensure that risks associated with climate change impacts are identified, and that mitigation and adaption measures are put in place to ensure that negative impacts are reduced and that communities are more

resilient to the impacts arising from a changing climate. Ensuring that Msunduzi Municipal Business Units are able to incorporate climate change adaptation and mitigation strategies into their day to day operations to ensure that the city is able to adapt to climate change related impacts in the long term.

Objectives

Ensure council continues to deliver its services effectively to the community in a changing climate. To achieve this objective the Municipality shall –

- a) Develop a climate change policy;
- b) Develop a climate change adaptation and mitigation strategy;
- c) Implement climate change adaptation and mitigation strategies in the following fields: biodiversity, water, health, energy, waste management, infrastructure, agriculture & food security, climate change awareness & research and governance;
- d) Reduce the vulnerability of the Pietermaritzburg community to potential future impacts of climate change through the implementation of early warning systems;
- e) Enable legal obligations and expectations on the Council and community arising from extreme weather events, to be met comprehensively;
- f) Ensure Councils response to climate change is flexible and that processes are in place to respond and adapt rapidly to changing international protocols, technological advancements, community readiness, South African Environmental Policies and Legislative changes, and improved knowledge (technological advancements) etc;
- g) Equip Council with a robust framework to pro-actively seek opportunities, knowledge and partners to effectively manage the challenges and opportunities of climate change into the future;
- h) Build capacity and capability of the Msunduzi Municipality to lead communities in responding to the challenges and opportunities presented by climate change;
- i) Provide a dynamic and pragmatic action plan that will equip Council with a program of practical and sustainable responses to the current and future projected risks and challenges posed by climate change;
- j) Establish a Council on Climate Change to educate communities about practical mitigation and adaptation measures;
- k) Integrate climate change considerations into governance and operational structures, functions and consequentially Municipal day-to-day operations;
- l) Integrate environmental and social considerations into planning, construction and other relevant municipal functions or activities in order to make informed decisions promoting sustainable development;
- m) Ensure that climate change strategies are considered and implemented within all Municipal Business Units;

- n) Ensure that Msunduzi Municipality offers a safe, clean and hygienic City that manages all aspects of the environment in a safe and responsible manner in order to enhance resilience to climate change;
- o) Ensure the implementation of strategies which aim at identifying risks and encourage the monitoring of predicted climate change events; and
- p) Ensure the identification, implementation and development of tools to set targets which have been identified. These tools should also be able to ensure that they are measurable.

4.8 Green Design

Goal

Planning and constructing new buildings as well as the retrofitting of existing buildings in a resource-efficient manner through sustainable green building principles and sustainable construction. Msunduzi becomes a City known for its use of renewable resources.

Objectives

- a) To plan for and facilitate a shift from the use of non-renewable to renewable resources;
- b) To develop and implement Green Building guidelines/ norms and standards for the Msunduzi Municipality;
- c) To ensure all current and new developments within the Msunduzi Municipality follow best practicable environmental options; and
- d) To ensure all new and current developments take cognizance of predicted climate change impacts and implement mitigation measures against such impacts.

To achieve these objectives the Municipality shall -

- (i) embark on and facilitate initiatives to identify alternatives to non-renewable resources;
- (ii) educate communities on ways to avoid or limit unsustainable exploitation of non-renewable resources;
- (iii) develop norms and standards on green building design to be implemented by all new developments within Msunduzi;
- (iv) ensure all new buildings to meet the energy efficiency criteria set out in South African National Standard 204 (SANS 204);
- (v) ensure that 30% of the City's energy demand is met by renewable sources by 2030;
- (vi) inform communities of the availability of renewable resources and their sustainable use;
- (vii) inform the community about the appropriate use of energy so as to avoid wastage;
- (viii) ensure all streetlights and traffic signals are powered by renewable energy;

- (ix) ensure all new human settlement developments make use of renewable energy such as solar geysers, rainwater harvesting tanks, solar panels;
- (x) ensure all new commercial and industrial development incorporates some form of renewable energy usage in its design and construction;
- (xi) ensure building plans give due consideration for energy efficiency in particular, compliance with the SANS 10400-XA: 2011 Part X Environmental Sustainability and Part XA Energy Usage in Buildings as well as SANS 204: 2011 Energy Efficiency in Buildings;
- (xii) identify energy sources that are efficient and sustainable;
- (xiii) identify and source local and international funding mechanisms to allow for the installation of renewable energy technology; and
- (xiv) identify and encourage the use of alternative renewable and sustainable energy sources in new and existing developments.

4.9 Landscapes and Townscapes

Goal

To improve the quality of vacant land and sustainable use of land available for development.

Objective

To protect the City's landscapes and townscapes.

To achieve this objective the Municipality shall –

- a) Identify activities suitable for available land based on its geology, soils, topography, aesthetics, biodiversity, ecological corridors, wild life habitat etc. of the land;
- b) Conserve landforms and soils of the Msunduzi Area;
- c) Ensure urban renewal and greening projects are implemented and budget supplied for such projects;
- d) All new residential, commercial and industrial developments incorporate green open, landscaped spaces;
- e) Ensure that new developments are appropriately designed to avoid erosion;
- f) Give support to conservancies;
- g) Ensure the maintenance of vacant land including invasive alien species eradication; and
- h) All new developments to prepare and implement fully indigenous landscape plans, including species and planting specifications, in consultation with the Msunduzi Environmental Management Unit.

4.10 Environmental Offsets

Goal

To ensure unavoidable cumulative loss of ecological infrastructure is avoided or mitigated.

Objectives

To protect the City's ecological infrastructure and to ensure loss of ecological infrastructure is mitigated against by the development and implementation of environmental offsets on a 'net-gain' basis. To achieve this objective the Municipality shall –

- a) Develop an offset policy with offset norms and standards;
- b) Require a person or applicant of a development to implement and fund an environmental offset if, in the opinion of the Municipality, such a development will result in significant unavoidable adverse impacts to ecological infrastructure and associated ecosystem goods and services. Such impacts include, but are not limited to –
 - (i) the loss of areas zoned as conservation, private, public, active or passive open spaces or an equivalent zoning;
 - (ii) the loss of sensitive areas as identified by the adopted Msunduzi EMF;
 - (iii) the loss of wetland areas;
 - (iv) the loss riparian areas;
 - (v) the loss of critical grassland areas;
 - (vi) the loss of floodplain areas; and
 - (vii) the loss of an area which forms a critical ecological corridor linkage to the open space system.
- c) Ensure that offsets adhere to adopted national norms and standards and guidelines until such time as local norms and standards or guidelines are adopted by the Municipality.

4.11 Waste Management

Goal

To promote an environment that is not detrimental to human health and wellbeing through the implementation of an integrated waste management and minimization strategy.

Objective

To provide an effective and efficient waste management system. To achieve this objective the Municipality shall -

- a) Ensure enforcement of waste management bylaws and other relevant legislation;
- b) Introduce an integrated approach to waste management;
- c) Develop a waste management plan for the Msunduzi area;
- d) Ensure the implementation of policies and strategies that affect waste management;
- e) Implement Material Recovery Facilities (MRF) at landfill sites;

- f) Initiate, develop and promote recycling projects and programs throughout the City;
- g) Ensure the efficiency of the waste management business unit by providing adequate resources;
- h) Be responsible for the collection of refuse;
- i) Apply the polluter pays principle;
- j) Educate citizens about waste-related issues; and
- k) Initiate and implement e-waste collection initiatives throughout the city.

4.12 Economy

Goal

To promote the sustainable use by residents of ecosystem goods and services provided by ecological infrastructure and encourage the provision of green jobs through a green economy.

Objective

To emphasize the interdependence between poverty, economic growth and the environment. To achieve this objective the Municipality shall -

- a) Develop strategies to combat poverty through sustainable use of ecological infrastructure such as urban agriculture in appropriate areas;
- b) Rehabilitate and conserve the City's urban and natural environments;
- c) identify and set aside prime agricultural land for organic agriculture use by local residents to contribute towards food security;
- d) encourage and implement community gardens;
- e) promote eco-tourism;
- f) provide in situ upgrades to informal settlements with appropriate, sustainable infrastructure
- g) Recognize the contribution that small and micro business makes towards the City's economy and support and encourage these businesses to use natural resources in a sustainable way and to incorporate best practical environmental options into their businesses; and
- h) Promote and participate in the provision of green jobs i.e. through the Expanded Public Works Program (EPWP), invasive alien species clearing programs, waste recycling co-operatives.

4.13 Environmental Education

Goal

To develop environmental education and awareness that enhances the understanding of environmental rights, responsibilities and the appreciation of the environment.

Objective

To form and support environmental education initiatives that will enable Msunduzi communities to use ecological infrastructure sustainably and highlight the importance of biodiversity and ecological infrastructure. To achieve this objective the Municipality shall -

- a) liaise with and support NGOs and CBOs who already have programs to educate communities;
- b) provide basic environmental awareness training to local communities;
- c) educate communities about the sustainable use of ecological infrastructure;
- d) educate communities about climate mitigation, adaptation and community resilience;
- e) identify and develop methods of improving communication;
- f) incorporate environmental issues into induction programs for all councilors, officials and within ward committees;
- g) educate communities and industries regarding the economic value of ecological infrastructure and urban systems, and on their role in ensuring sustained service delivery, the provision of basic needs and economic opportunities; and
- h) communicate all intended environmental activities to affected communities.

4.14 Cultural Heritage

Goal

To ensure the long-term protection and maintenance of cultural heritage areas and buildings.

Objective

To preserve and improve the cultural heritage of the Msunduzi area. To achieve this objective the Municipality shall -

- a) acknowledge and respect diverse cultures and religions represented within the Msunduzi area;
- b) acknowledge and respect the historical significance of cultural and religious features;
- c) consider cultural values, sites and landscapes of historic significance, areas of scenic beauty and places of spiritual importance in planning, decision making and development proposals;
- d) promote and support cultural tourism initiatives by the communities;
- e) collaborate with Amafa AkwaZulu Natali (KZN Heritage) in identifying cultural and historic sites within the Msunduzi area;
- f) recognize the status of heritage conservancies (streets/blocks of buildings) and ensure they are clearly marked, signposted and endorsed on title deeds; and
- g) where applicable, refer development applications to Amafa AkwaZulu Natali (KZN Heritage) office.

4.15 Compliance, Monitoring and Enforcement

Goal

To have trained EMI's within the Municipality who actively enforce compliance with NEMA and SEMA's as well as the Municipalities Bylaws and gazetted EMF.

Objectives

To develop environmental management bylaws for Msunduzi and to enforce such bylaws through the issuing of directives and penalties on non-compliance. To achieve this objective the Municipality shall –

- a) Review and comment on all development applications against the relevant environmental legislation;
- b) Ensure consideration and compliance with the Msunduzi EMF;
- c) No later than six months after having adopted environmental management bylaws approach the MEC and/or Minister as the case may be, to appoint and train municipal environmental management inspectors as provided for in section 31B and 31C of the National Environmental Management Act and shall further provide as far as reasonably possible, the necessary infrastructure and assistance for such inspectors to be able to fulfil their respective mandates and obligations as per the provisions of the National Environmental Management Act in the jurisdiction of the Municipality. Any Municipal EMI of the Municipality shall, apart from their enforcement mandate in terms of chapter 7 of the National Environmental Management Act, be tasked with the enforcement of all or specific environmental bylaws applicable in the jurisdiction of the Municipality for which no other enforcement officers exist;
- d) Pending the MEC or Minister's appointment of municipal environmental management inspectors delegate any number of required officials in the Municipality to be tasked with the enforcement of all environmental bylaws applicable in the jurisdiction of the Municipality;
- e) Identify non-compliance with bylaws applicable in the Municipality (including municipal authorisations issued under such bylaws) implement enforcement. Consequences of enforcement may include, but are not limited to -
 - (i) a formal or informal warning to comply, where the person contravening a bylaw is a first-time offender with a good compliance record, and where the contravention has caused negligible harm to the environment;
 - (ii) a notice or directive;
 - (iii) the suspension or withdrawal of a municipal authorisation where the rights in that municipal authorisation have been abused, or there is little or no intention of complying, or ability to comply, with that authorisation; and/or
 - (iv) criminal prosecution;
- f) Institute criminal proceedings in the following instances -
 - (i) where a person has no authorisation for an activity that requires municipal authorisation from the Msunduzi Municipality (noting, however, that no person will be prosecuted for not

being in possession of a valid municipal authorisation if that person has taken all reasonable measures to obtain such a municipal authorisation);

- (ii) where a person has committed intentional or negligent harm or potential harm to the environment;
- (iii) where a person has intentional or negligent disregard for the health and well-being of staff members of the Municipality;
- (iv) where there is intentional or negligent non-compliance with a bylaw or a permit;
- (v) where there is repeated non-compliance with an environmental bylaw or municipal authorisation, and non-compliance despite advice, warnings or a compliance notice or directive;
- (vi) where there is failure on the part of a local community member and/or staff member or service provider of the Municipality to report, intentional false reporting, or misinformation; and/or
- (vii) where someone, interferes with a municipal official's duties (including that of a municipal environmental management inspector or delegated official of the Municipality), or refuses a delegated official access to a site for purposes of enforcing a provision of this or any other environmental bylaw.