

# **Report of the Standing Committee on Environmental Affairs and Development Planning on the 2017/2018 Annual Reports of the Department of Environmental Affairs and Development Planning and its Entity, CapeNature, for the year ended 31 March 2018.**

The Standing Committee on Environmental Affairs and Development Planning, having considered the Annual Reports of the Department of Environmental Affairs and Development Planning and its Entity, CapeNature, for the year ended 31 March 2018, referred to it, reports as follows:

## **1. Introduction**

As part of its oversight function, the Standing Committee on Environmental Affairs and Development Planning (the Committee) considered the Annual Reports of the Department of Environmental Affairs and Development Planning (the Department) and its Entity, CapeNature, on 1 November 2018. Annual reports are the key instruments for departments to report on performance measured against their performance targets and budgets as outlined in their Strategic Plans and Annual Performance Plans.

The Annual Report Programme for the 2017/2018 financial year was advertised in various newspapers, inviting stakeholders and members of the public to attend and participate in the discussions.

The Committee deliberated on Part A: General Information, Part B: Performance Information and Part D: Human Resource Management of the Annual Reports of the Department and its Entity.

## **2. Department of Environmental Affairs and Development Planning**

### **2.1 Overview**

The Department obtained a clean audit for the year under review thus continuing on a positive trend for the past seven years, having achieved five clean audits and two unqualified audits. The Department achieved 98,3% of its programme expenditure. It also received the Silver Award for the best ethics provincial department.

There were significant challenges during the financial year that the Department had to contend with, the most significant one being the drought. In response to the drought and water security management, the Department seconded three of its senior officials to fulltime service at the Disaster Management Centre for a period of six months. Notwithstanding the challenges, measures were put into place to facilitate good outcomes.

There were many achievements in terms of project management and service delivery. These include the completion of the five yearly review of the Water Sustainability Management Plan, the 2017/18 Provincial Spatial Planning Performance Management Evaluation Report, the State of the Environment Outlook Report 2017, the Assessment of Economic Risks and Opportunities of Climate

urban spatial restructuring and upliftment in the context of the apartheid spatial legacy and neglected neighbourhoods. It focuses on empowering municipalities to work in collaboration with other key departments to improve the provision of services in terms of informed planning.

- 2.2.3 The recent drought has put the spotlight on water security and has led to water being identified as a provincial risk. The water risk is quite complex and there are a number of controls to be considered in order to negate the various contributing factors. The control mitigation measures and actions to each of the control measures have been outlined in the Department's risk register.

The revised Water Sustainable Management Plan has been aligned to various regional plans as well as to the Water Master Plan of the Department of Water Affairs. It is also aligned to the Water Delivery Service Plans of municipalities.

- 2.2.4 The Department is striving to create an enabling environment for climate resilient, low carbon development, by promoting the green economy and consolidating and extending existing initiatives. The Department's role in this regard is in an advisory capacity based on information and research collection so that role-players understand what they must do within their particular mandates to become more climate appropriate. Engagements have taken place with the Department of Human Settlements, both from a green economy perspective as well as from a climate change perspective on how to build sustainable settlements. Research undertaken shows that more local job opportunities can be generated by investing in green infrastructure such as solar panels and rain harvesting as opposed to investing in large scale bulk infrastructure. Supporting sector programmes such as SmartAgri has been a major benefit to the Department. The cost benefit analysis that was done as part of the economic opportunities for climate change study showed which areas should be considered for investment. The focus is therefore on creating an enabling environment.

- 2.2.5 Water-related offences was the focus of the Environmental Governance, Policy Co-ordination and Enforcement Directorate within the Department. The focus of this Directorate during the water crisis was on water related offences and water related unlawful activities. Offences detected included illegal abstraction of water, illegal structures, excavation, infilling and the construction of dams within a watercourse. Punitive and corrective measures have been put in place for these kind of offences. From a law enforcement perspective, in terms of the NEMA, the Department has issued section 28 directives and section 31 compliance notices.

The Directorate is severely understaffed. Currently, it has a 60% vacancy rate with only three staff members per region. Due to this significant capacity constraint, the Directorate has undertaken blitz operations, a proactive operation within identified areas using focused interventions where people from the respective regions participate in the operations.

- 2.2.6 In the State versus Tierhoek Boerdery (PTY) Limited, the Department and the Department of Water and Sanitation are the complainants who conducted the investigation and initiated the prosecution relating to the commencement of a listed activity in terms of NEMA, namely, the illegal construction of a dam in the Clanwilliam area. The case will be heard in the Clanwilliam Magistrate Court on 13 November 2018.

municipalities are assigned specific functions in terms of these disciplines in the National Environmental Management: Integrated Coastal Management Amendment Act, 2014 (Act 36 of 2014). However, some municipalities contend that coastal management, as part of environmental management, is not part of their constitutional function. The Department provides a supporting role to these municipalities.

- 2.2.12 The Built Environmental Support Programme has been discontinued and strategic initiatives previously funded by the Department of Rural Development and Land Reform must now be funded by municipalities themselves. These include integrated waste management plans, integrated transport plans, infrastructure and growth plans and human settlement plans. Now that these functions have been fully transferred to the municipalities, the Department has observed that some municipalities have started to fall behind with their development applications. This is a serious concern because each development application represents job creation.
- 2.2.13 Revenue collected from fines decreased because the Department does not have the capacity in terms of human resources to monitor unlawful activities as specified in the NEMA Regulations.
- 2.2.14 The capacity constraints within the Department is concerning as it has a role to play in all other government departments. If this Department does not function optimally, then the initiatives and programmes within other departments will fail.
- 2.2.15 Biodiversity is CapeNature's core function but is contained within Programme 5 of the Department. Consultants are employed by the Department to do what CapeNature is mandated to do. There seems to be a duplication of reporting within this programme. As CapeNature reports directly to the Minister of Local Government, Environmental Affairs and development planning, their functions should be encapsulated under Programme 1.
- 2.2.16 Sections 71 to 77 of the Western Cape Constitution of 1997 makes provision for a Commissioner for the Environment. This section of the Western Cape Constitution has never been activated and it is not part of the structure of the Department. The Department contends that since 1997, 17 pieces of legislation relating to the environment have been passed nationally and that it was therefore decided not to pursue the establishment of a Commissioner for the Environment. Draft Legislation has been submitted to the Western Cape Provincial Parliament, making provision to repeal Sections 71 to 77 of the Western Cape Constitution and has been referred to the Standing Committee on Premier and Constitutional Matters. The Department has made a recommendation to the Department of the Premier that the Standing Committee on Environmental Affairs and Development Planning together with the Standing Committee on Premier and Constitutional Matters should deal with this amendment.
- 2.2.17 Resilience has been leveraged through motivating for a provincial level Ecological Infrastructure Investment Framework which will enable risk reduction for water, fire and flooding through spatial targeting for investment. In response to the water crisis there is an enormous risk not just currently but in the future relating to the lack of investment into ecological infrastructure in the province.

In relation to the classification of funds, the Department followed a procurement process to engage the current service provider which is the Council for Scientific and

provided guidance to the Department of Local Government and municipalities to lower the impact of these crises on the environment. All CapeNature's performance indicators centre around nature conservation. CapeNature achieved a clean audit outcome.

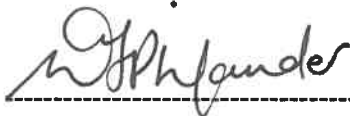
## **6.2 Key issues discussed**

- 6.2.1 CapeNature and the CapeNature Board has been established in terms of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998). The CapeNature Board and CapeNature reports directly to the Minister of Local Government, Environmental Affairs and Development Planning.
- 6.2.2 The conservation estate was expanded by approximately 11 000 hectares bringing the total area managed by CapeNature to approximately 1 million hectares. Protected areas are managed by employing a management effectiveness tracking tool which is internationally developed and is standardised throughout the country. The management tool's average rating for managing a nature reserve well is 67%. CapeNature managed to achieve 94%.
- 6.2.3 In terms of social investment, CapeNature set a target to create 1 000 work opportunities that were sponsored through the Expanded Public Works Programme (EPWP) and managed to create 1 893 work opportunities. In terms of full time equivalent employment, a target was set to employ 450 people and 552 job opportunities were created.
- 6.2.4 An area where CapeNature can improve on is engaging the youth on environmental conservation. Although 31 636 learners across all regions in the Western Cape visited reserves and participated in awareness campaigns in schools against 24 000 in the previous year, much more can be achieved. The Youth Environmental Services Programme was launched that saw 136 matriculants from all over the Western Cape undergoing accredited training in nature conservation and maintenance work all linked to conservation and tourism.
- 6.2.5 There has also been an improvement in expenditure. CapeNature has spent 94% of it allocated budget. The 6% under expenditure was largely due to delays in capital infrastructure projects, the finalisation of an Information and Communication Technology project and also savings incurred on consultants. CapeNature further redressed the imbalance between the personnel and operational funding through a vacancy list that they manage.
- 6.2.6 CapeNature also embarked on various Information and Communication Technology projects. For the first time, 42 sites were connected to a single network in order to tap into solutions for management.
- 6.2.7 CapeNature is providing job opportunities to some of the most vulnerable communities in the province. As the nature reserves are mostly situated in rural areas, the job focus was mostly on the clearing of alien invasive species. There was active engagement with the municipalities in the respective areas. Of concern is that municipalities are not spending their EPWP budgets thus hindering the prospect of creating employment opportunities.
- 6.2.8 Effective supply chain management systems were maintained except for an instance where the Construction Industry Development Board (CIDB) regulations were not

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## Conclusion

The Committee notes its appreciation for the responses of the Department of Environmental Affairs and Development Planning and CapeNature to the scrutiny of the Annual Reports and wishes to thank the Minister, Head of Department, Chief Executive Officer of CapeNature and the Chairperson of the CapeNature Board for their contributions and efforts in this regard. The Committee also commended the Department and CapeNature officials for displaying an infinite amount of passion for the work they do.



WF PHILANDER, MPP

CHAIRPERSON: STANDING COMMITTEE ON ENVIRONMENTAL AFFAIRS AND  
DEVELOPMENT PLANNING

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