

Key Theme:

Gearing up for integrating biodiversity plans into Spatial Planning and Land Use Management Act (SPLUMA) Spatial Plans

12th Biodiversity Planning Forum

23 to 26 June 2015



Content of the presentation

- **Legislative context**

- The National Environmental Management: Biodiversity Act, 2004 (MEM:BA)
 - Section 48 (1) & (2)
- Spatial Planning and Land Use management Act, 2013 (SPLUMA)
 - Sections 20 (2), 21 (j) & (m) and 22(1)
 - (j) “include a strategic assessment of the environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips, where applicable;”

- **The Ekurhuleni Experience**

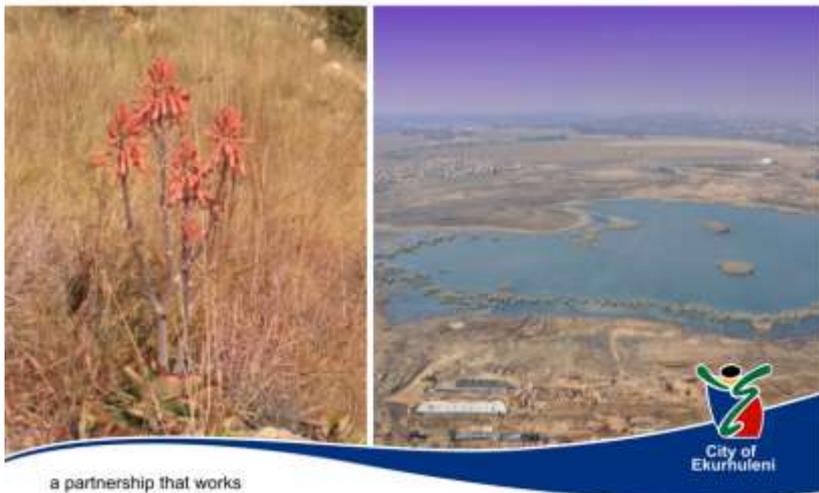
- Bioregional Plan
- Regional Spatial Development Frameworks



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Ekurhuleni Bioregional Plan



a partnership that works



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The EMM experience on the compilation of the Bioregional Plan and the mainstreaming thereof in the Spatial Development Frameworks (SDF's).

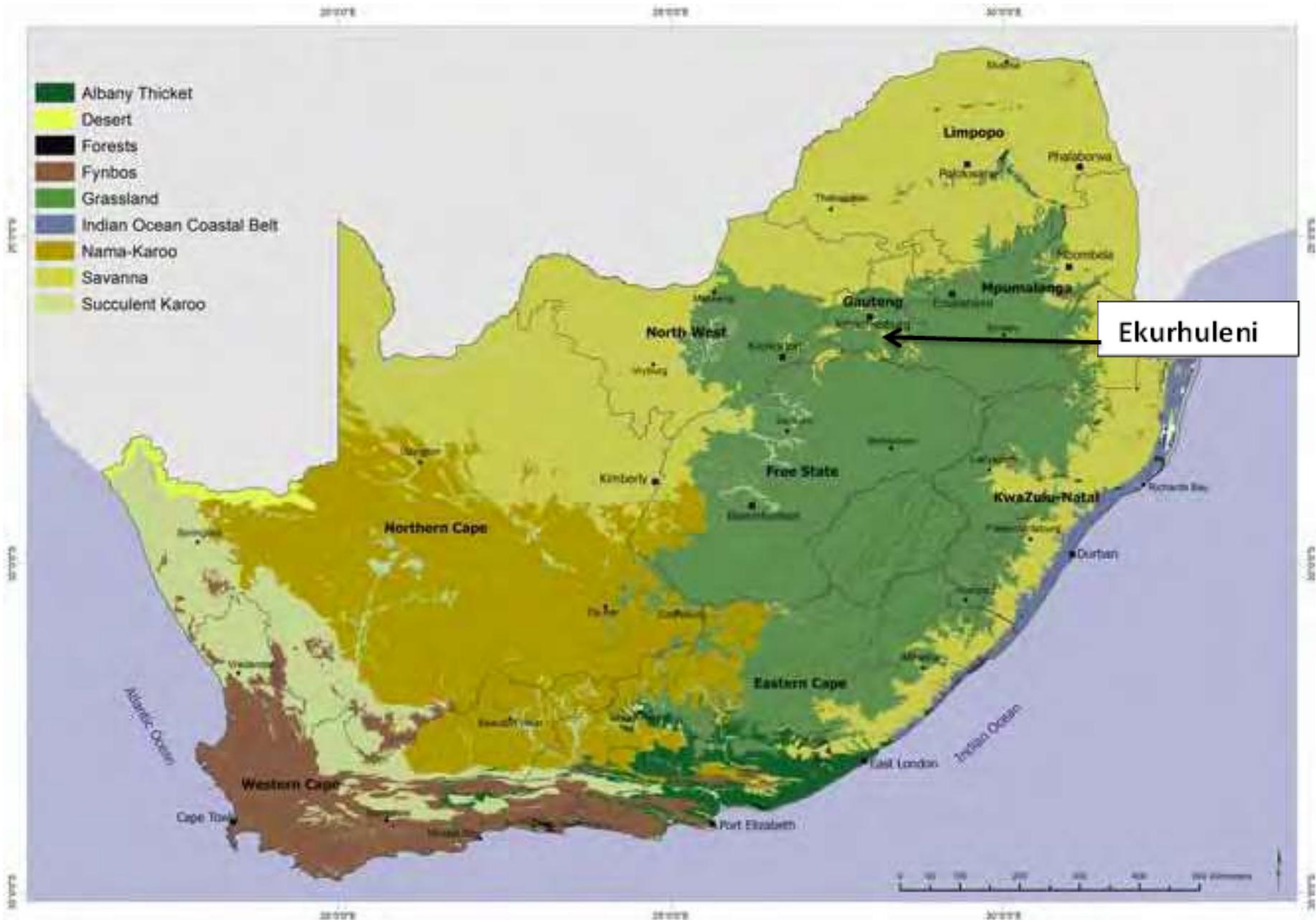


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Purpose of a Bioregional Plan

- Bioregional plans are therefore intended to feed into multi-sectoral planning and assessment processes such as:
 - Environmental Management Frameworks (EMF),
 - Spatial Development Frameworks (SDF)
 - Strategic Environmental Assessments (SEA) &
 - Environmental Impact Assessments (EIA).
- The focus of a bioregional plan is on biodiversity priorities.
- Once published the IDP's & SDF's must continue to be aligned with the Bioregional plan.
- Environmental decision makers must use the published plan in the decision making process

The nine biomes of South Africa



Bioregional Plan: Synopsis of process followed (1)

- Joint project with SANBI & GDARD – MoU signed and funds transferred in **2010**
- SANBI appoints the consultants in 2010 – to conduct a Systematic Biodiversity Assessment for EMM, Jo'burg & Tshwane
- **Final draft received – Oct 2011**
- Item for approval circulate internally – Dec 2011
- Workshop with EMM departments - 9th Feb 2012
- 1st presentation to Oversight Committee – 24 April 2012
- 1st Mayoral Committee – May 2012 – referred back for further consultation with City Development
- Presentation at DFC – 11 June 2012 – supported
- Presentation to Special Mayoral – 1 Aug 2012
- 2nd Mayoral Committee – 15 Aug 2012 – recommended for approval
- 2nd Oversight Committee – 18 Sept 2012
- **Council approval of the draft EMM Bioregional Plan – 27th September 2012**

Bioregional Plan: Synopsis of process followed (2)

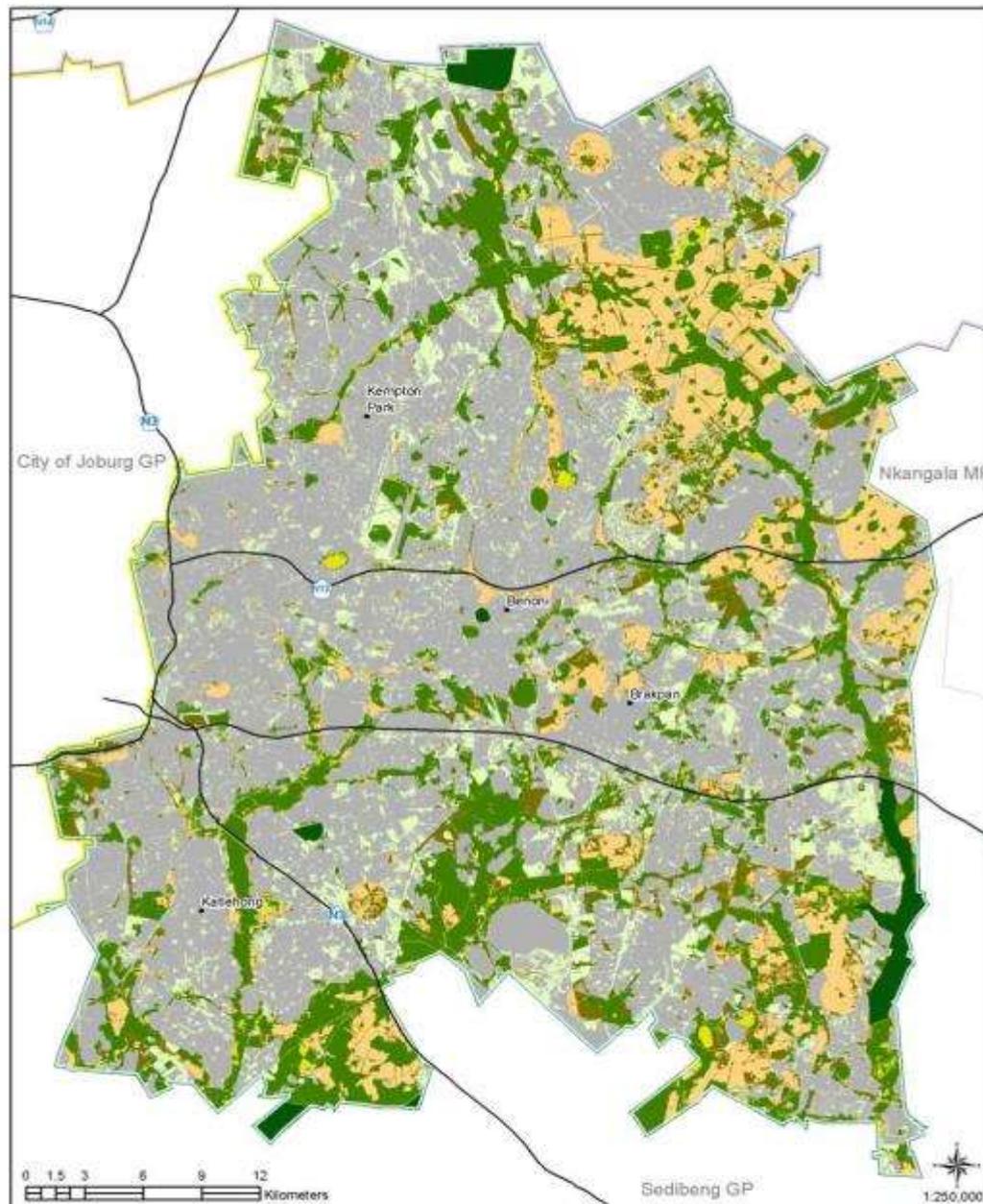
- After the Council approved the draft BRP, a Process and Consultation Report had to be submitted for review by SANBI.
- This was done early in 2014
- **The final reply from SANBI was received in October 2014.**
- The support from SANBI of the EMM BRP was conditional.
- “The Review Panel is concerned that if this issue is not addressed, the Bioregional Plan will be open to challenge through a court of law on the basis of the administrative process that was followed.
 - **The Review Panel therefore recommends that this issue be addressed during the consultation and public participation process for the Bioregional Plan as set out in Sections 99 and 100 of the Biodiversity Act. This could be achieved by the Minister paying special attention during the consultation process to re-engaging the relevant departments in the municipality (listed on page 8 of the Process and Consultation Report), in order to ensure that they are fully aware of the existence, purpose and implications of the Bioregional Plan, and that Gauteng Conservation Plan version 3 forms the spatial basis for the Bioregional Plan.**
 - The Review Panel further requests that once the consultation and public participation process required in terms of the Biodiversity Act is complete, a revised version of the Process & Consultation report be sent to SANBI, reflecting the additional consultation conducted as advised above.”

Synopsis of process followed (3)

- The departments/divisions referred to as Listed on page 8 (of the Process & Consultation report) are:
 - City Development; Roads and Stormwater; Water & Sanitation; Parks ; Disaster Management; Economic Development; Housing; Organisational Performance Management
- Even though it is clearly stated in the Process & Consultation report that all comments received were incorporated into the draft Bioregional Plan and that a follow-up workshop was held on the 9th February 2012, the requirement from SANBI is that we need to re-engage with the relevant departments in the municipality. This meeting with the Departments took place on 21 January 2015.
- A presentation was also made to all councillors on the 24 February 2015 in preparation for the notice for Public Participation which was placed on 31 March 2015.
- It is foreseen that the **Gazetting of the BRP will take place in June/July 2015**

EMM Bioregional Plan

Critical Biodiversity Area map



Critical Biodiversity Area Map
Ekurhuleni Metro
October 2011

CBA Category

- Formal Protected Area
- Critical Biodiversity Area 1

- Critical Biodiversity Area 2
- Ecological Support Area 1
- Ecological Support Area 2

- Other Natural Area
- No Natural Remaining



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The extent and percentage extent of Critical Biodiversity Areas and Ecological Support Areas identified by CPlan3 in EMM and in the whole Gauteng Province

CBA category	EMM (ha)	%	Gauteng	%
Protected Area	2641	1%	43 948	2%
Critical Biodiversity Area 1	33303	17%	413 684	23%
Critical Biodiversity Area 2	2566	1%	14 311	1%
Ecological Support Area 1	11372	6%	178 195	10%
Ecological Support Area 2	23427	12%	154 330	8%
Other Natural Area	23780	12%	389 346	21%
No Natural Remaining	100442	51%	624 0188	34%
Totals	197531	100.00	1817 833	



EMM Environmental Management Tools used

The following two EMM plans were used in the compilation of the draft Ekurhuleni Bioregional Plan:

- Environmental Management Framework (EMF) 2007
- Ekurhuleni Biodiversity & Open Space Strategy (EBOSS) 2009

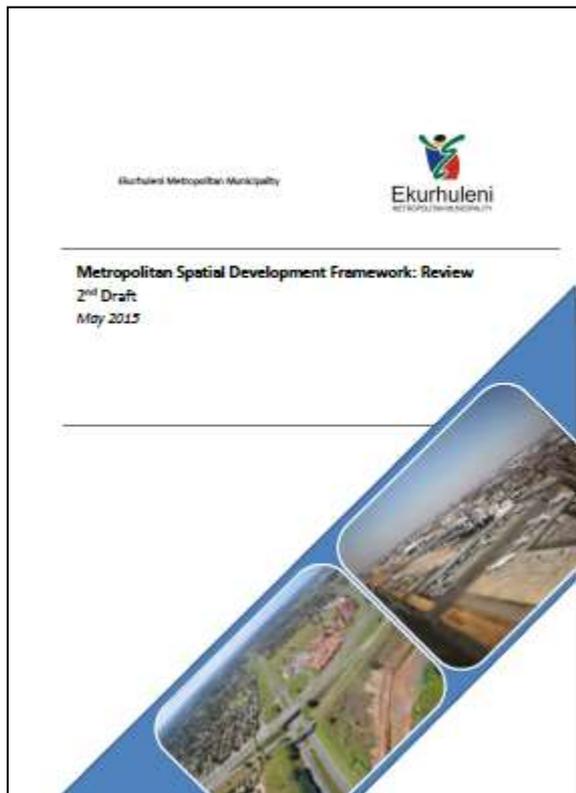
These two plans were based on the C-plan 2 of GDARD.

In the drafting of the Bioregional plan, C-plan 3 of GDARD was used.



EMM Spatial Development Framework

- The Ekurhuleni Metropolitan Municipality (EMM) approved its Metropolitan Spatial Development Framework (MSDF) in April 2011 in accordance with the provisions of Section 26 (e) of the Municipal System Act 32 of 2000.



- The approved MSDF is supported by the compilation of Regional Spatial Development Frameworks (RSDFs) as second tier planning documents in the EMM spatial planning hierarchy
- EMM City Development in 2014 embarked on the development of 6 Regional Spatial Development Frameworks (RSDF's).

EMM: Regional Spatial Development Frameworks terms of reference (1)

- The broad objectives of the RSDF include:
 - Identifying specific environmental, cultural, social, economic and infrastructural circumstances that have an impact on the municipality's development;
- These regions are, inter alia, aimed at ensuring that Ekurhuleni metro achieves the following desirable objectives:
 - sustaining the ecosystem and using natural resources efficiently,



- Documents identified to be consulted included various environmental tools and specifically the draft Bioregional Plan.

EMM: Regional Spatial Development Frameworks terms of reference (2)

The Scope of Work included the following:

3. To identify the physical conditions that determines the relative suitability of land for urban use.

- Where are the environmentally sensitive areas not suitable for development or those that need to be taken into consideration in any kind of development proposed within the study area, i.e. Wetlands, water pans, rivers, etc?

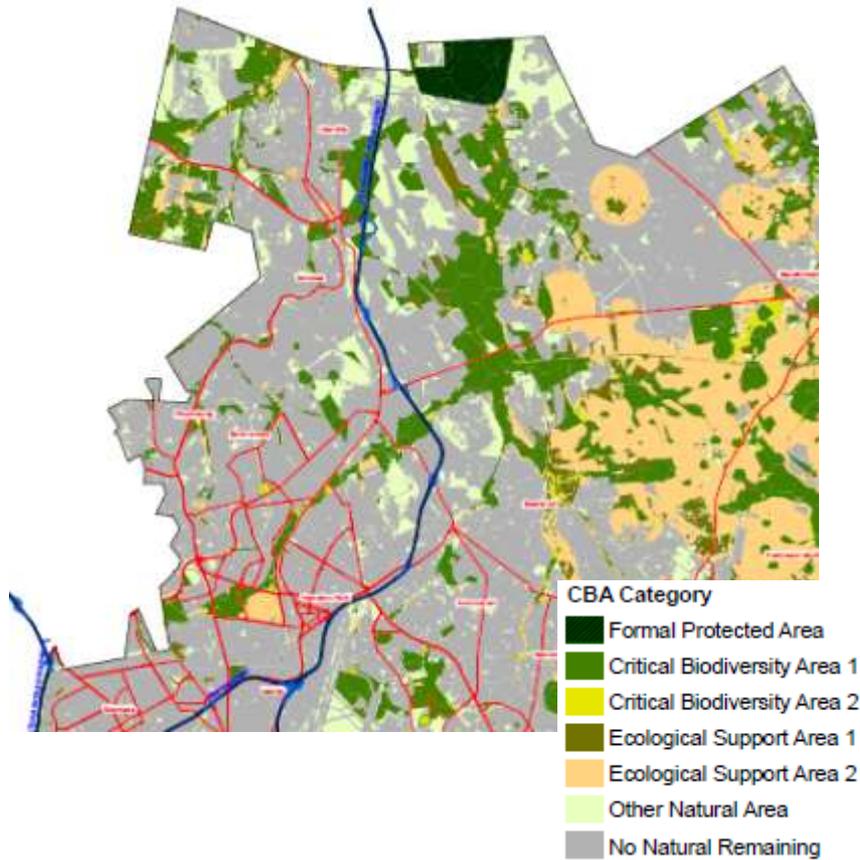


- Considering these physical factors, what are the constraints on, and opportunities for, using areas of land in and around the town for urban purposes?

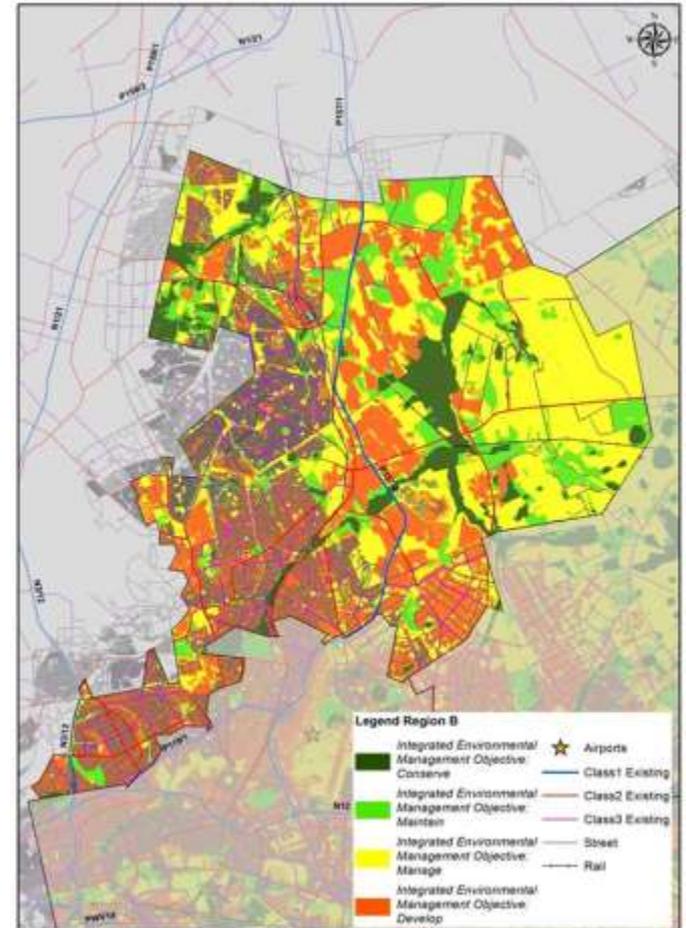


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EMM Bioregional Plan



EMM RSDF Region B OPEN SPACE MANAGEMENT AREAS



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Take home thoughts...

- The challenges experienced in the BRP process and lessons learned;
 - The delay in time from starting until final approval needs to be managed;
 - The need for buy in from other sister departments; and
 - The benefits of mainstreaming the Bioregional Plan through the SDF's.
- Sound building blocks are required, but the way that the building blocks are applied varies due to different circumstances in which they are used to create tools to guide planning and development





They've already made a move. **GREENPEACE**
2011 ON

THANK YOU

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