

The National Environmental Management Act (NEMA) creates the fundamental legal framework that gives effect to the environmental right guaranteed in Section 24 of the South African Constitution. NEMA sets out the fundamental principles that apply to environmental decision making, some of which derive from international environmental laws and others from the Constitution. The core environmental principle is the promotion of ecologically sustainable development. NEMA also reconfirms the State's trusteeship of the environment on behalf of the country's inhabitants.

The draft National Climate Change Response White Paper (2011) "presents the Government's vision for an effective climate change response and the long-term transition to a climate resilient and low-carbon economy and society – a vision premised on Government's commitment to sustainable development and a better life for all". It further recognises that sustainable development is synonymous with "climate friendly development" and that "the more sustainable our development path is, the easier it will be to build resilience to climate change impacts".

Other policy documents of particular relevance to sustainable development include Vision 2025, MTSF, the National Framework for Sustainable Development (NFSD), the draft National Strategy and Action Plan for Sustainable Development, and the revised Environmental Sector Plan.

The National Planning Commission (NPC) recognises the role that climate change mitigation and adaptation, food and water security, energy consumption and production (including the energy mix) and conservation have on shaping South Africa's development in the long term. Its Vision 2025 focuses largely on addressing developmental challenges such as levels of poverty, unemployment and education (The Presidency, 2009). The Medium Term Strategic Framework (MTSF) in particular recognises the importance of environmental sustainability in achieving its primary objective of economic growth and development over the next five years (2009 – 2014), especially with regard to the challenges and opportunities presented by climate change.

Both the NFSD (DEAT, 2008) and the draft Sustainable Development Strategy and Action Plan (DEA, 2010c) highlight key priority areas for action, with many aspects directly relevant to greening. These include:

- Reducing greenhouse gas emissions to acceptable levels;
- Reducing dependency on fossil fuels and enhancing security of energy supply;
- Increasing the contribution of the Environmental Goods & Services Sector to employment and the GDP;
- Promoting cleaner technologies;
- Investing in sustainable infrastructure; and
- Enhancing spatial planning.

These goals will be achieved through interventions such as:

- Improving incentives for renewable energy technologies and mandatory green building standards;
- Investing in public transport systems; shifting private transport to low carbon options; including environmental criteria in public procurement specifications;
- Introducing a green procurement framework/rating system for public buildings;
- Implementing water demand management that includes water loss management and water wise activities; and
- Implementing waste minimisation programmes with appropriate facilities and incentives to support these.

The revised Environmental Sector Plan (DEA, 2009) is a common national sector wide strategic implementation plan for the years 2009 to 2014, backed by programmatic National Treasury structures aimed at improving accountability, efficiencies and financing of all mandated roles of the environmental sector. It is aligned with the Medium Term Strategic Framework (MTSF), the NFSD and the NSSD.

Perhaps an indication that greening and sustainable development are gaining traction in South Africa is the fact that National Treasury is recognising the necessity for a green economy and has initiated processes for greening the budget. Its draft policy on a framework for considering market-based instruments to support environmental fiscal reform in South Africa, notes that: "As the South African economy continues to develop, it is increasingly important to ensure that it does so in a sustainable way and that, at the same time, issues of poverty and inequality are effectively addressed. It is, therefore, important to appreciate that it's not just the quantity of growth that matters, but also its quality" (National Treasury, 2006).

In early 2010, Cabinet approved the outcomes approach which "is designed to ensure that Government is focused on achieving the expected real improvements in the life of all South Africans" (The Presidency, 2010:10). Monitoring and evaluation of these outcomes forms part of the Government-wide Monitoring and Evaluation System, the overarching policy framework for monitoring and evaluation in the South African Government. Twelve outcomes have been approved and form the strategic focus for government between 2009 and 2014. Each outcome has a limited number of measureable outputs as well as clear targets.

"the more sustainable our development path is, the easier it will be to build resilience to climate change impacts".

Outcome 10 and its outputs are of particular relevance to this Framework

Outcome 10
Environmental Assets and Natural Resources that are well protected and continually enhanced.

Output 1
Enhanced quality and quantity of water resources.

Output 2
Reduced greenhouse gas emissions, climate change impacts and improved air/atmospheric quality.

Output 3
Sustainable environmental management.

Output 4
Protected biodiversity.



Spatial Planning and Land use Management

Spatial planning and land use management are important determinants of the sustainability of the built environment and the extent of event greening by implication. These guide where and how developments may take place so whilst actual structures may comply with green building standards and guidelines or events practice green procurement, broader negative environmental impacts may be experienced due to lack of macro and micro planning controls.

The memorandum on the objects of the Land Use Management Bill, 2008, provides a very useful summary of the current (2010) status of spatial planning and land use management. Key points are included below:

South Africa still operates under fragmented, unequal and incoherent spatial planning and land use management legislation, which often stifles land and economic development and the transformation of apartheid-based settlement patterns.

The Development Facilitation Act of 1995 was passed as an interim measure to facilitate the establishment of an integrated system. It did not repeal existing laws. As a result, parallel and complex systems of land development continue to operate.

In 1997, government appointed the National Planning Commission to, amongst other things, advise on how best to streamline the various policy, legislative and regulatory frameworks. In 1998, after extensive national consultations, the commission produced the Green Paper on Spatial Planning and Land Use Management.

Cabinet approved the White Paper on Spatial Planning and Land Use Management in June 2001. It was published in Government Gazette 22473 of 20 July 2001 together with a Draft Land Use Management Bill. The White Paper provides for rationalisation of the existing planning laws into one national system. The Bill gives effect to the White Paper.

Three main pieces of legislation guide spatial planning and land use management in South Africa: the Municipal Systems Act (Act No 32 of 2000), the Development Facilitation Act (DFA) (Act 67 of 1995) and the Land Use Management Bill (2008). According to the Municipal Systems Act, municipalities are required to develop Spatial Development Frameworks, which must take into consideration broader provincial and spatial plans. These Spatial Development Frameworks, in turn, guide the development of the Integrated Development Plans (IDPs), which serve to identify how the municipality will deliver its services within a five-year period. It is at the level of the IDPs that integrated planning is required through a combination of sector specific plans and each of these plans presents an opportunity to achieve sustainability.

One of the main objectives of the Land Use Management Bill is to create an integrated regulatory framework for land use and land use management that promotes the public interest. It also aims to address the imbalances of the past by ensuring that there is equity in land use and land use management. The provisions of this Bill are regarded as sector guidelines applicable within the broader development-planning framework and support the Municipal Systems Act. When promulgated, the Bill will replace existing national land use planning legislation including the Development Facilitation Act, which was passed in 1995 as an interim measure to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land.

Each sphere of government has its own distinct development tasks and related planning frameworks corresponding to the scale of operations and the area of jurisdiction. At the national level, the National Spatial Development Perspective (NSDP) (2006) provides guidelines and principles to inform planning for development in all spheres of government, in particular the Medium Term Strategic Framework (MTSF) (at the national level), the Provincial Growth and Development Strategies, the Spatial Development Frameworks and the Integrated Development Plans at local municipal level. The status of the NSDP is in flux with the establishment of the National Planning Commission but it is still able to guide macro-planning and instil the principles of sustainable development, through the National Development Plan.

The MTSF incorporates spatial planning considerations in two of its strategic priorities, namely 'Strategic Priority 2: Massive Programme to Build Economic and Social Infrastructure' and 'Strategic Priority 3: Comprehensive Rural Development Strategy linked to Land and Agrarian Reform and Food Security'.

In terms of building integrated and sustainable communities, steps need to be taken "to ensure that human settlement formation does not perpetuate apartheid spatial planning and the marginalisation of the poor from economic opportunities and social and cultural amenities" and "Government's approach to spatial development should encourage policy actions that are responsive and conducive to the requirements of the different contexts prevailing in each territory, primarily levels of economic potential and location of poverty." The MTSF also emphasises the importance of finalising the Land-Use Management Bill and the potential need to review and, where necessary, adjust the NSDP.

The NFSD (2008) recognises that the integration of environmental considerations with spatial planning remains a major challenge to achieving sustainable development. One of the strategic goals of the draft Sustainable Development Strategy and Action Plan (DEA, 2010c) is "enhancing spatial planning to promote social cohesion and integration between communities as well as between communities and the natural environment". One of the key interventions in this regard is to "strengthen sustainability principles in land-use planning and growth and development strategies and plans at all levels".

Table 2.2 provides a list of the spatial planning and land use management legislation and policies relevant to this Framework mentioned in this section.



Farmers working in carrot fields

Table 2.2: Overview of applicable spatial planning and land use management legislation and policies

Name	Type	Date	Version
Development Facilitation Act (DFA), Act 67 of 1995	Act	1995	N/A
Municipal Systems Act (MSA), Act no 32 of 2000	Act	2000	N/A
National Spatial Development Perspective (NSDP)	Guidelines	2006	Final
Land Use Management Bill, 2008	Bill	2007	N/A
National Framework for Sustainable Development (NFSD)	Framework	2008	Final
Medium Term Strategic Framework (MTSF)	Framework	2009	Final
Environmental Sector Plan	Sector Plan	2009	Final
National Strategy for Sustainable Development (NSSD)	Action Plan	2010	Final

Environmental Management Planning



Environmental management and regulation is provided by the National Environmental Management Act (NEMA) (Act No. 107 of 1998) and the various associated Acts and Regulations that together form a comprehensive framework for addressing environmental issues in South Africa. These include the Protected Areas Act (Act 57 of 2003), the Biodiversity Act (Act 10 of 2004), the Air Quality Act (Act 39 of 2004), the Waste Act (Act 59 of 2008), and the Integrated Coastal Management Act (Act 24 of 2008). Other Acts relevant to environmental management include the Water Services Act (Act 108 of 1997), the National Water Act (Act 36 of 1998), the National Forests Act (Act 84 of 1998), and others. For the purposes of this section, only NEMA will be discussed further at this point.

NEMA provides national integrated environmental management principles, and also outlines procedures for co-operative governance. These procedures include the development of environmental implementation plans (EIPs) and environmental management plans (EMPs). The purpose of these plans includes the co-ordination and harmonization of environmental policies, plans, programmes and decisions at all spheres of government and securing the protection of the environment across the country as a whole.

The purpose of the EMPs is to describe these functions, the norms and standards required for the execution of these functions, how compliance with department specific policies will be achieved, and co-operative governance arrangements to enhance environmental management. The EIP by contrast sets out how a department or province's functions affect the environment and how they will comply with the environmental legislative framework in the execution of these functions.

NEMA further provides the basis for the development of regulations for numerous environmental management instruments including environmental impact assessments (EIAs), strategic environmental assessments (SEAs), environmental management frameworks, environmental management programmes, environmental risk assessments, environmental feasibility assessments, and norms or standards. For the purposes of this framework, only EIAs and SEAs will be briefly discussed.

The primary purpose of an EIA is to determine and evaluate the environmental implications of development to inform decision-making at the project level. However, there are a number of more strategic decisions that are typically made at the planning, programming and policy level that influence the nature of development. The Strategic Environmental Assessment (SEA) has therefore evolved, complementary to EIA, in order to determine the environmental implications of policies, plans and programmes (DEAT, 2004a). EIAs are regulated by the new NEMA 2010 EIA Regulations (No. R.543) while the principles for SEA are contained in the Guideline Document: Strategic Environmental Assessment in South Africa (DEAT and CSIR, 2000).

The Environmental Sector Plan (DEA, 2009) is another key policy document for environmental management. It is aligned with the eight strategic goals for environmental sustainability and integrated environmental management and contains mandated Treasury-funded targets and programmes to enable the sector and government to achieve these goals. 'Goal 1: Effective Institutional Framework and Legislation' and 'Goal 2: Sustainable Resource Use and Impact Management are of particular relevance to environmental management'.

Numerous other policies make particular reference to environmental management. For example, the MTSF identifies the need for "a common system for environmental impact management across government in developing the Environmental Impact Management Strategy that will ensure improved efficiency and effectiveness" (Strategic Priority 9: Sustainable resource management and use). The NFSD identifies the need to "improve capacity within regulatory authorities to effectively manage, implement and review the various Integrated Environmental Management procedures and tools, notably the new EIA Regulations, within the context of broader sustainable development"

Table 2.3 provides a list of the environmental management legislation and policies relevant to this Framework mentioned in this section.

Table 2.3: Overview of applicable environmental management legislation and policies

Name	Type	Date	Version
National Environmental Management Act (NEMA) (Act No. 107 of 1998)	Act	1998	N/A
National Framework for Sustainable Development (NFSD)	Framework	2008	Final
Medium Term Strategic Framework (MTSF)	Framework	2009	Final
Environmental Sector Plan	Plan	2009	Final
NEMA 2010 EIA Regulations (No.R. 543)	Regulations	2010	N/A
National Strategy and Action Plan for Sustainable Development (NSSD)	Action Plan	2010	Draft

2.3.2 Sector-specific policy and legislation

This section provides an overview of the key national legislation and cross-cutting policies, followed by sector-specific overview of the following themes:

- Human Settlements,
- Sustainable Energy,
- Sustainable Water,
- Air Quality Management,
- Waste management,
- Biodiversity Protection and Enhancement,
- Sustainable Transportation,
- Responsible Tourism and,
- Sustainable Procurement.



• Human Settlements

The evolution of human settlements as a component of the built environment is controlled by a raft of legislation that address both planning and sector specific matters. The policy framework for guiding the development of human settlements is the Department of Human Settlement's Comprehensive Plan for the Development of Sustainable Human Settlements, commonly referred to as "Breaking New Ground" or "BNG".

Sustainable human settlements as defined by the Breaking New Ground Framework

Well-managed entities in which economic growth and social development are in balance with the carrying capacity of the natural systems on which they depend for their existence and result in sustainable development, wealth creation, poverty alleviation and equity. The present and future inhabitants of sustainable human settlements, located both in urban and rural areas, live in a safe and a secure environment and have adequate access to economic opportunities, a mix of safe and secure housing and tenure types, reliable and affordable basic services, educational, entertainment and cultural activities and health, welfare and police services. Land utilization is well planned, managed and monitored to ensure the development of compact, mixed land-use, diverse, life-enhancing environments with maximum possibilities for pedestrian movement and transit through safe and efficient public transport in cases where motorized means of movement is imperative. Specific attention is paid to ensuring that low-income housing is provided in close proximity to areas of opportunity. Investment in a house becomes a crucial injection in the second economy, and a desirable asset that grows in value and acts as a generator and holder of wealth. Sustainable human settlements are supportive of the communities that reside there, thus contributing towards greater social cohesion, social crime prevention, moral regeneration, support for national heritage, recognition and support of indigenous knowledge systems, and the ongoing extension of land rights.



The purpose of the BNG is to accelerate the rate of housing delivery while simultaneously seeking to enhance existing settlements through the upgrading of informal settlements and established human settlements. The BNG builds on the housing policy outlined in the 1994 White Paper on Housing and adds the imperative of ensuring that settlements are sustainable and habitable to the original goal of delivering affordable housing.

The concept of sustainability as envisaged by the BNG policy is provided for in part by the National Strategy on Urban Greening (DHS n.d.) and the Guideline for Environmentally Sound Low Cost Housing (DHS n.d.) to promote sustainability in the construction of low income houses.

The Housing Code, which is comprised of the government's numerous programmes to address housing in the country, has a programme entitled the Provision of Social and Economic Facilities, which also addresses aspects of sustainability.

There are numerous Acts and policies related to the themes of air quality, biodiversity, energy, transport, waste management and water that are relevant to human settlements which are covered in the relevant sections below. Spatial and land-use planning, which is also crucial for ensuring sustainable human settlements, has been discussed in Section 2.3.1.



Sustainable Energy

A reliable energy supply combined with energy use efficiency is primarily of concern to both human settlements and events management. These aspects relate specifically to the design and operations of buildings. Legislation and policies regarding renewable energy and energy efficiency are thus of particular relevance to this framework.

The main pieces of legislation of relevance to sustainable energy within the context of this framework are the Electricity Regulation Act (Act No. 4 of 2006) and the Energy Act (Act No. 34 of 2008). The Electricity Regulation Act introduced a new regulatory framework for the electricity industry. Section 15(1)(u) of the Act requires every licensee to comply with energy efficiency standards and demand side management. The Energy Act seeks to diversify South Africa's energy resources, to ensure that energy is available, in sustainable quantities and at affordable prices, taking into account environmental management requirements and interaction amongst economic sectors. It also provides for increased generation and consumption of renewable energies. The South African National Energy Research Institute (SANERI) is established in terms of this Act with the mandate to take responsibility for energy efficiency (and energy research and development). SANERI assumes responsibility for the activities and Energy Efficiency programmes initiated by the former National Energy Efficiency Agency (NEEA).

Policies relevant to sustainable energy is the White Paper on Energy (1998), which makes provision for both energy efficiency and renewable energy, the White Paper on Renewable Energy Policy (2003, reviewed in 2010), the National Energy Efficiency Strategy for South Africa (2005, reviewed in 2008, reviewed in 2010/11), the Integrated Resource Plan 1 and 2, and New Generation Capacity (Gazette No. No.32898, 29 January 2010).

Renewable Energy Target

The revised Renewable Energy Policy recommends a minimum target of 27% of the national energy demand is to be supplied through a renewable energy supply by 2030.

The renewable energy target established in the revised Renewable Energy Policy is to be achieved through the implementation of twenty-one individual renewable energy market (segments) for which detailed policies have been drafted for each. The policy distinguishes between three levels of renewable energy generation: centralised, distributed or standalone. Of relevance to the framework is the distributed and standalone systems of renewable energy generation. The former refers to generation systems that feed electricity directly into a distribution grid and range in size from kW to MW scale. Examples include rooftop solar PV systems on domestic houses or commercial buildings to municipal waste to energy systems or small wind farms. Most cities in South Africa have renewable energy policies and targets in their respective Integrated Development Plans (IDPs). There are examples of ad-hoc projects being implemented in local authority areas of supply which indicate the need for policy to enable this mode of electricity generation where appropriate.

Standalone on-site energy generation refers to renewable energy systems to provide energy services by converting primary renewable energy directly and supplying an energy service without reliance on a national energy transmission or distribution system, such as the national electricity grid or pipelines. Typical examples of these opportunities include solar water heating systems for households or commercial buildings, solar PV electricity for lighting in households and biogas digesters for household cooking or water heating.

These policy intentions, which align closely with the vision of green buildings, are by the publication of a draft regulation to promote the environmental sustainability of buildings published in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977). It requires compliance with the SANS 10400 XA for orientation, rational design and energy usage performance.

A national commitment to the inclusion of renewable energy into the overall energy mix, the ratio and the sources of renewable energy is provided for by the Integrated Resource Plan and New Generation Capacity (Gazette No. No.32898, 29 January 2010). This is has been re-drafted and will be gazetted in May 2011.

The Energy Efficiency Strategy (published in 2005 and reviewed in 2008) established a target of 12% reduction in final energy demand by 2015 and the Energy Efficiency Demand-Side Management (EEDSM) policy (May 2010) of the DoE seeks to operationalise the energy efficiency and demand side management (DSM) programmes in terms of a Standard Offer Incentive Scheme, which is a framework for a tariff-based financial incentive necessary to stimulate energy efficiency. The EEDSM policy is framed in terms of the Electricity Regulation Act and the Energy Act. The revised Renewable Energy Policy also emphasises the role of energy efficiency as it is far more cost effective than generating new capacity.



• Water management

Sustainable water management in the context of greening human settlements and events greening relates to sustainable water supply (both quantity and quality), water demand management (water use efficiency and water saving behaviours) and sewage and storm-water management.

The main Acts relevant to sustainable water management in the context of the framework are the Water Services Act (Act 108 of 1997) and the National Water Act (Act 36 of 1998). The Water Services Act addresses the right of access to basic water supply (in terms of quantity and quality) and basic sanitation, taking issues of efficiency, equity and sustainability into account. The Act further promotes effective water resource management (including water demand management) and conservation, including promoting public awareness of these matters. The National Water Act recognises the need to conserve water resources for present and future generations by regulating water use and preventing and remedying water pollution. According to this Act, National Government has overall responsibility for and authority over water resource management, including the equitable allocation and beneficial use of water in the public interest.

A regulation relevant to the objective of water conservation is the 'Regulations relating to Compulsory National Standards and measures to conserve water' prescribed by the Minister of Water Affairs. These regulations require that all consumer installation must comply with SABS 0252, which is a national standard for the plumbing industry to overcome the prevalence of substandard plumbing fixtures and therefore reduce the rate of unnecessary water losses due to faulty fixtures.

The National Water Resource Strategy, which is developed in terms of the National Water Act, takes a similar view to water conservation and management stating that minimising water use at the source is first priority, followed by maximised reuse and recycling. Whilst the National Water Resource Strategy has a five year horizon, the Department of Water Affairs has adopted a longer term planning horizon through the development of the Strategic Framework for Water for Growth and Development. The intention of the framework is to evaluate the role of water in different economic sectors ensuring security of supply up until at least 2030 whilst simultaneously ensuring a sufficient supply of potable water for human development. Assurance of supply and reliable drinking water supplies are to be provided through a blend of measures with the prioritisation of least cost measures such as water conservation and demand side management.

a blend of measures for
sustainable water management



•Waste management

The policy and legal context for the management of waste is initiated by Section 24 of the Constitution which sets out the right of the people of South Africa to a clean environment. The policy for waste management is developed in the White Paper on Integrated Pollution and Waste Management, 2000. The National Environmental Management Act, Act 107 1998 introduces a suite of environmental principles amongst which is “that waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner”. This principle encompasses the concept of the waste management hierarchy and is embodied a decade later in the promulgation of the National Environmental Management: Waste Act (Act no. 59 of 2008). This Specific Environmental Management Act provides the legal framework for the management of all aspects of waste.

Whilst the Act addresses all aspects of waste, there are two broad issues of relevance for this framework. The first set of issues are the provision of domestic waste collection services, litter management and the implications for current and future disposal capacity. The second set of issues are the application of the waste management hierarchy with the intention of intensifying the rates of re-use, recycling and recovery and diverting waste from unnecessary landfilling.

The provision of domestic waste collection services is provided for by the Municipal Waste Sector Plan (DEA, 2010d), the National Policy for the Provision of Basic Refuse Removal Services to Indigent Households (DEA, 2010e), and the National Standard for Domestic Waste Collection Services (DEA, 2010f).

Litter management is provided for by the Waste Act which obliges both municipalities and landowners to whom the public has legitimate access to their property to supply waste receptacles for communal use. Furthermore, the Department will develop a generic bylaw to assist municipalities in municipal waste management issues, including the prohibition of littering.

The National Waste Management Strategy (NWMS), as required by the Waste Act, anticipates the establishment of a far-reaching recycling infrastructure as the only way of achieving systematic and comprehensive waste re-use, recycling and recovery. All role-players are required to apply the waste management hierarchy irrespective of waste management measure being considered and the legislation specifically requires municipalities to supply public waste recycling receptacles, which would be one facet of the recycling infrastructure anticipated by the NWMS. Of direct relevance to the NGF is the establishment of separation at source intervention for general recyclable domestic waste run in parallel with current waste collection systems and specialised recycling infrastructure

for wastes that should not be landfilled such as compact fluorescent lights (CFLs) and batteries as they contaminate the general waste stream. The disposal of CFLs will be addressed by an Industry Waste Management Plan for mercury containing lamps, as mandated by the Minister. In terms of organic waste, the draft Standard for Disposal of Waste to Landfill (DEA, 2010g) sets a 25% diversion rate in the next five years, which will be stimulate the intensification of municipal composting projects.

In addition to the NWMS, the Department of Co-operative Governance (COG) has developed a Draft Strategy Framework for Clean Cities and Towns: 2010 and Beyond that aims to beautify towns and cities and create healthy living environments. The basis for the strategy is the Local Government Turnaround Strategy (LGTS), which is the official policy response to the municipal capacity assessments undertaken by COGTA in 2009. Improved service delivery is the ultimate outcome, part of which is refuse removal services and this document therefore focuses purely on the provision of these services as part of the broader process to improve the environmental status of cities and towns.



•Air quality management

Air quality management is provided for by the National Environment Management: Air Quality Act, 2004. A National Framework for Air Quality Management was gazetted in September 2007 to provide a plan for achieving the objectives of the Act. The purpose of the Act is to address the adverse impacts of air pollution on the ambient environment and to set standards as the benchmark for suitable air quality. At the same time it sets emission standards to minimise the amount of pollution that enters the environment.



•Biodiversity conservation

Biodiversity conservation is an important area of consideration when it comes to events greening and sustainable human settlements. This issue is particularly important during the planning and design stages for new developments, and is also an important consideration in terms of green procurement. Biodiversity conservation is directly provided for by the National Environmental Management Act: Protected Areas Act (Act 57 of 2003), the National Environmental Management Act: Biodiversity Act (Act 10 of 2004) and the Marine Living Resources Act (Act No 18 of 1998). The former two Acts emerge from the framework established by the National Environmental Management Act (NEMA) (Act 107 of 1998). The Protected Areas Act provides for the protection and conservation of ecologically viable areas representative of the country’s biological diversity, its natural landscapes and seascapes.

Included in its objectives are to provide for a representative network of protected areas on state, private and communal land, to promote sustainable utilisation of protected areas and, where appropriate, to promote participation of local communities in the management of protected areas.

The Biodiversity Act provides for the management and protection of the country's biodiversity and provides for the protection of species and ecosystems in need of protection, sustainable use of indigenous biological resources, and also to meet legally binding international agreements that South Africa has ratified. The new NEMA EIA Regulations (No. R. 543) further stipulate that for new developments that require either a Basic Assessment (BA) or an Environmental Impact Assessment (EIA), the impacts on biodiversity and ecosystems have to be taken into account.



The Marine Living Resources Act introduces regulating measures for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and access to exploitation, utilisation and protection of certain marine living resources.

Biodiversity-related policies relevant to this framework include the National Biodiversity Strategy and Action Plan (NBSAP)(2005), which provides a long-term strategy for the conservation and sustainable use of the country's environmental resources, and the National Biodiversity Framework (NBF)(2007) which focuses attention on priorities for the years 2009 to 2014. Both emphasise the importance of mainstreaming biodiversity considerations in all planning undertaken by local government and to promote green procurement. According to the NBSAP, biodiversity considerations are to be included in all planning instruments and environmental planning undertaken by local government. The NBF makes provision for the establishment of a national programme to build capacity to include biodiversity opportunities and constraints in integrated development planning and other municipal functions. With regard to green procurement, the NBSAP's Strategic Objective 4 promotes the sustainable use of biological resources and equitable sharing of the benefits and the NBF promotes the development of the natural products, which includes the facilitation of certification schemes, growing domestic demand through increased awareness, and strengthening natural product enterprises and supply chain management.

Responsible new development is facilitated by the existence of Open Space Planning systems at municipal level which are incorporated into Spatial Development Frameworks. The aim of such systems are to identify ecological systems and green corridors for open space planning.



• Sustainable Transport

Policies relevant to sustainable transport include the White Paper on National Transport Policy 1996, the Public Transport Strategy (DoT, 2007) and the Non-Motorised Transport Policy (2008).

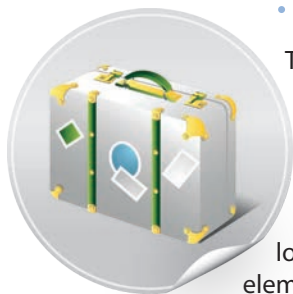
The White Paper on National Transport Policy undertakes to 'promote environmental protection and resource conservation' as one of its policy objectives. Planning for the provision of **"infrastructure will take place within an integrated environmental management approach"**.

In addition to sustainable infrastructure, the White Paper undertakes to promote more energy efficient and less pollutant modes of transport.

Both the Public Transport Strategy and the Non-Motorised Transport Policy focus on land passenger transport. One of the two thrusts of the Public Transport Strategy is the development of integrated rapid public transport networks, which provides for the first phase of networks of rail priority corridors, and bus rapid transit corridors in the six metropolitan municipalities. The strategy asserts that integrated public transport networks form a major component of creating dignified and liveable urban spaces. Furthermore, it strongly promotes multi-modal integration including the integration with non-motorised transport networks, for example, it anticipates the rollout at least 100km of high quality dedicated walkways and cycle paths in 18 cities and districts by 2014. The Draft National Non-motorised Transport Policy builds on the Public Transport Strategy. It is an important compliment to the Public Transport Strategy as it provides clarity on the four main areas of non-motorised transport (walking, riding, animal driven vehicles, and alternative "innovative" modes of non-motorised transport) and how each needs to be addressed.

The National Land Transport Act (Act 5 of 2009) is the main Act relevant to sustainable land transport. The Act is explicit about the promotion of efficient resource use and limiting "adverse environmental impacts in relation to land transport" (S4(g)(v)). The Act is also explicit about the convergence between transportation planning and spatial development; for example, it stipulates that in developing their land transport policy and strategy, municipalities must factor in "spatial development policies on matters such as densification and infilling" (S11(c)(i)).

• Responsible Tourism



The White Paper on tourism, the Development and Promotion of Tourism in South Africa, published in 1996, addresses the concept of responsible tourism by presenting it as “the key guiding principle for tourism development”. The definition of responsible tourism presented in the White Paper closely mirrors a definition of sustainable tourism as it involves responsibility towards the environment, local people and cultures, and local economic development. Its main elements include:

- Avoid waste and over-consumption;
- Use local resources sustainably;
- Maintain and encourage natural, economic, social and cultural diversity;
- Be sensitive to the host culture;
- Involve the local community in planning and decision-making;
- Assess environmental, social and economic impacts as a prerequisite to developing tourism;
- Ensure communities are involved in and benefit from tourism;
- Market tourism that is responsible, respecting local, natural and cultural environments; and
- Monitor impacts of tourism and ensure open disclosure of information.

The White Paper explores the respective roles and responsibilities of different stakeholders in the promotion of responsible tourism. The notion of responsible tourism is then further taken up in the National Responsible Tourism Development Guidelines published by the former Department of Environmental Affairs and Tourism in 2002.

These guidelines elaborate on the three pillars of responsible tourism, namely economic, social and environmental responsibility setting out the principles, objectives and indicators for each. The guideline has been taken to the next level with the development of a national standard for the responsible tourism in 2010. This will be a South African National Standard published by the South African Bureau of Standards. Since existing interpretations of responsible tourism do not always embrace the three main elements of responsible and sustainable tourism, this standard will establish a common understanding of the minimum criteria for responsible tourism.

With the approval of the standard by the SABS process, the accreditation of rating organisations take place, which in turn certify individual facilities. A further intention is the endorsement of the standard by the Global Sustainability Tourism Council enabling international visitors, who are increasingly conscious of sustainability, to identify and select facilities that run their operations according to the principles of responsible tourism.

The development of the Standard reinforces the Department of Tourism’s draft National Tourism Sector Strategy, which states as its vision “boldly growing responsible tourism together to deliver memorable experiences for all our tourists and sustainable benefits for all South Africans”.



St James beach - Western Cape



• Sustainable Procurement

Procurement is addressed in Section 217 of the Constitution, which provides that when an Organ of State at the national, provincial or local sphere of government contracts for goods or services, it must be done so in accordance with a system, which is fair, equitable, transparent, competitive, and cost-effective.

The objective of these Constitutional principles are to ensure maximum participation and competition that will result in value for money in the supply of goods and services to the government, whilst also ensuring equal treatment of all through the use of mechanisms that are open and transparent.

The Constitution also recognises the challenges and the socio-economic imbalances brought about by the past regime’s practices. Thus it attempts to create a platform to address them. Section 217(2) provides for the organs of state to implement a procurement policy providing for categories of preference in the allocation of contracts. This approach to procurement thus provides business and employment opportunities, and depending on how it is structured can be used as an instrument of government policy to facilitate social

To give further traction to the procurement provisions of the Constitution, the government published the Green Paper on Public Sector Procurement Reform in 1997 promoting the following:

- Easier access to tendering information;
- The simplification of tender documents;
- Breakout procurement (unbundling or the use of smaller contracts); and
- The award of tenders in terms of a development objective.

Other elements included an affirmative procurement policy to achieve socio-economic objectives and the specific targeting of groups in accordance with national policy objectives.

Following on from the Green Paper, the Preferential Procurement Policy Framework Act, 2000 was gazetted and its purpose has been “to give effect to section 217(3) of the Constitution by providing a framework for the implementation of the procurement policy contemplated in section 217(2) of the Constitution; and to provide for matters connected therewith” (Preamble to the Procurement Act).

The aim of the Act is, to enhance the participation of Historically Disadvantaged Individuals (HDIs) and small, micro and medium enterprises (SMMEs) in the public sector procurement system. Section 5(1) of the Act further provides that “the Minister of Finance may make regulations regarding any matter that may be necessary or expedient to prescribe in order to achieve the objects of this Act”.

The Procurement Act, together with the Public Finance Management Act of 1999, has been utilised to form the basis of the General Procurement Guidelines of South Africa (RSA 2002), informed by the five constitutional principles of being fair, equitable, transparent, competitive, and cost-effective.



2.4 Conclusion

In conclusion, the purpose of the section was to describe the international and national context for the National Greening Framework for the Built Environment and Events Management.

The international context is the platform for deliberating three major global issues: sustainable development, poverty and climate change; their linkages and interdependencies; and commitments and mechanisms for dealing with each. There are three primary concepts that are vital for the National Greening Framework:

1. The integration of environmental concerns into all levels of social and economic decision-making processes.
2. The interdependence between growth, poverty reduction and sustainable development and equal emphasis on addressing each.
3. The greening of economies due to the projected impacts of human induced climate change.

South Africa as an active participant in international processes, has demonstrated its commitment to addressing sustainable development, poverty and climate change through its overall political priorities and commitments. The Framework for Sustainable Development and its strategy and action plan have been developed, a White Paper for Climate Change Response Policy is being developed and many of its policies and programmes have poverty reduction as their primary objective.

The overarching national policy framework for a National Greening Framework for the Built Environment and Event Management has three underpinning strands: sustainable development, spatial planning and land use management, and environmental management and regulation. Excellent progress has made with regard to the mainstreaming of sustainable development due to South Africa's keen involvement in international environment and development processes as described above. Results have also been achieved in respect of environmental management controls due to the provisions of NEMA and specific environmental Acts. A major constraint for greening concerns spatial planning and the need for greater inclusion of environmental considerations as well as the impact of a fragmented legislative planning environment. This is set to change with the promulgation of the Land Use Bill, 2008 and leadership from the newly established National Planning Commission. In the interim, the NSDP does offer guidance in respect to the inclusion of sustainability principles in spatial planning. At municipal level, the role of Spatial Development Frameworks is considered a vital tool for ensuring sustainable planning provided that these incorporate open space planning based on biodiversity considerations and application to the planning of transportation systems and human settlements as well as other development plans.