



2023 LOCAL GOVERNMENT ENVIRONMENT INDABA (LGEI)

REPORT

22-23 MARCH 2023



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



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ABBREVIATIONS AND ACRONYMS

AEL	Air Emission Licence
AQM	Air Quality Management
AQMP	Air Quality Management Plan
AQO	Air Quality Officer
B&C	Biodiversity and Conservation
BMP	Biodiversity Management Plan
BA	Critical Biodiversity Area
CCRS	Climate Change Response Strategy
CMP	Coastal Management Programme
COGTA	Department of Cooperative Governance and Traditional Affairs
DDM	District Development Model
DFFE	Department of Forestry, Fisheries and the Environment
DM	District Municipality
DMR	Department of Mineral Resources
DMRE	Department of Mineral Resources and Energy
ECA	Environment Conservation Act, 1989 (Act No. 73 of 1989)
EMF	Environmental Management Framework
EMI	Environmental Management Inspectorate
EPR	Extended Producer Responsibility
EPWP	Expanded Public Works Programme
ESA	Ecological Support Area
GBF	Global Biodiversity Framework
GDARD	Gauteng Department of Agriculture and Rural Development
GGD	Good Green Deeds

HPA	High Priority Area
IBP	Integrated Biodiversity Plan
CLEI	Local Governments for Sustainability (formally known as the International Council for Local Environment Initiative)
ICM	Integrated Coastal Management
IDP	Integrated Development Plan
IWMP	Integrated Waste Management Plan
JET	Just Energy Transition
LA	Local Authority
LGEI	Local Government Environment Indaba
LGSS	Local Government Support Strategy
LM	Local Municipality
MCLM	Mogale City Local Municipality
MEC	Member of the Executive Council (Provincial)
MIG	Municipal Infrastructure Grant
MOA	Memorandum of Agreement
MRF	Material Recovery Facility
MSA	Municipal Systems Act, 2000 (Act No. 32 of 2000)
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEMAQA	National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)
NEMBA	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
NEMCMA	National Environmental Management: Integrated Coastal Management Act, 2014 (Act No. 36 of 2014)
NEMWA	National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
NEVA	National Employment Vulnerability Assessment
NGO	Non-Governmental Organisation
NWMS	National Waste Management Strategy
PMU	Project Management Unit
PPP	Public–Private Partnership
SAAQIS	South African Air Quality Information System
SALGA	South African Local Government Association
SDF	Spatial Development Framework
SEMAS	Specific Environmental Management Acts
SIRP	Sector Jobs Resilience Plan
SPLUMA	Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
WMO	Waste Management Officer

FOREWORD BY THE MINISTER



Environmental stewardship lies at the heart of our collective responsibility, as enshrined in the Constitution of the Republic of South Africa, 1996, and reaffirmed through legislation such as the National Environmental Management Act, 1998. It is within this context that the 2nd Local Government Environment Indaba was convened from the 23rd to the 24th of March 2023, bearing the theme "Working Towards Environmental Sustainability." This crucial gathering provided a platform to deliberate on the pivotal role of municipalities in environmental management, aligning their efforts with National Development Plan 2030 and Medium Term Strategic Framework which inform delivery agreements, guided by the Local Government Environment Support Strategy I (from which period to which period).

The keynote address by the Deputy Minister, Honourable Soty, underscored the formidable challenges faced by municipalities, particularly in the realm of waste management. Financial constraints emerged as a ubiquitous impediment, constraining the effective execution of waste management services and other environmental functions. A dearth of comprehensive environmental sector plans, such as, Integrated Waste Management Plans and Air Quality Management Plans, further hindered the full realization of environmental management objectives at the local government level.

In this landscape of challenges, it is imperative that municipalities, alongside key stakeholders such as the Department of Forestry, Fisheries and the Environment (DFFE), Provincial Environment Departments, the South African Local Government Association (SALGA) and the Department of Cooperative Governance and Traditional Affairs (COGTA) forge a collaborative path toward sustainable development. The scourge of inefficient waste management, with its far-reaching impacts on communities and livelihoods, necessitates a concerted effort in resource allocation and service deliver in the face of urbanization, burgeoning informal settlements, and underserved rural areas.

The deliberations within plenary panels, commission discussions, and subsequent report-back sessions provided a robust platform for delegates from municipalities to voice their concerns and articulate challenges they face. It is through these engagements that technical advice and recommendations emerged, charting a course forward to address the intricate environmental management landscape at the local government level.

This report, meticulously compiled by the Local Government Support Unit (LGS) in the Department of Forestry, Fisheries and the Environment, in collaboration with SALGA, provides comprehensive compendium of insights, case studies, and recommendations emanating from the Indaba. From Air Quality Management to Biodiversity and Conservation, from Climate Change to Coastal Management, each section of this report paints a vivid picture of the opportunities and challenges that define environmental management in our municipalities.

As we navigate the path towards a sustainable future, let this report serve as a beacon of knowledge and inspiration. May its contents spark conversations, drive policy decisions, and inspire action in the pursuit of environmental stewardship. Together, let us forge a legacy of responsible and sustainable environmental management for generations to come.

A handwritten signature in black ink, appearing to read 'Barbara Creecy'.

Ms Barbara Creecy, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

FOREWORD BY THE PRESIDENT OF SALGA



I believe there is a pressing need to address municipal environmental management performance as a sector, however, it but it is equally critical to acknowledge the capacity and resource limitations that plague the municipalities and, as a result, thwart their efforts.

Constitution further places obligations to the State to take “reasonable legislative and other measures” to realise the right.

Municipalities have a role in ensuring that this right is realized through provision of the services as stated in Schedule 4 and 5 of the Constitution of the Republic of South Africa. It is further understood that municipalities need to contribute to environmental protection, however, it is crucial to create an environment that makes this possible by ensuring that legislation clarifies the legal mandate, role, responsibilities, powers and functions pertaining to environmental management across the three spheres of government.

I believe there is a pressing need to address municipal environmental management performance as a sector, however, it but it is equally critical to acknowledge the capacity and resource limitations that plague the municipalities and, as a result, thwart their efforts. While acknowledging the necessity for municipalities to move towards exploring the use of innovations and adoption of tested technological solutions to improve performance of environmental management, there is a need to make sure that adequate funding and relevant capacity have been deployed to perform this function to the satisfactory level.

It gives me pleasure to indicate that the partnership between SALGA and the Department of Forestry, Fisheries and Environment was a major factor in the successfully hosting of Local Government Environment Indaba which was hosted under the theme “Working Towards Local Environmental Sustainability.”

The Indaba created a platform for a dialogue amongst the 3 (three) spheres of government (National, Provincial and Local Government) on range of environmental matters such as: sector performance and governance matters; identification of key challenges and gaps that affects municipalities performance with regard to environmental functions; capacity of municipalities in relation to compliance with the existing legislation, policies and regulations (i.e., landfill management, Air Quality Management); sharing of best practise experiences on the various environmental sector priorities.

The Constitution of the Republic South Africa guarantees an environmental right in section 24 within its Bill of Rights, which affords every person a right to an environment that is not harmful to their health or well-being. The

EXECUTIVE SUMMARY

Environmental management is one of the most important components that has been described and provided in section 24 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), other pieces of legislation contained in the National Environmental Management Act, 1998 (Act No. 107 of 1998), and other legislation that advocates effectiveness in the management of the environment within the local government sphere. The Local Government Environment Indaba was hosted in the Radisson Blu Hotel in Kempton Park from 23 to 24 March 2023 under the theme "Working Towards Environmental Sustainability", which is in line with the theme of the Local Government Support Strategy. The discussions at the Local Government Environment Indaba were centralised around the environmental roles and responsibilities of the municipalities and current best practices in line with the relevant Acts, national development plans, the Outcome 10 service delivery agreements, and the Local Government Environment Support Strategy.

The 2nd Local Government Environment Indaba 2023 keynote address was presented by the Deputy Minister, Honourable Sotyru. The Deputy Minister raised many challenges engulfing the country, especially those in waste management, which many municipalities are faced with in the process of providing waste management services. Other environmental management functions such as air quality management, biodiversity and conservation, climate change, and coastal management were also discussed. It is of great concern that financial constraints is the main and most common challenge that many municipalities raised as a limiting factor to perform waste management functions and other environmental

management-related functions adequately.

A lack of strategic sector plans, such as Integrated Waste Management Plans, Air Quality Management Plans, Environmental Management Frameworks and by-laws, are also contributing factors that result in the non-implementation of environmental management programmes aimed at local government. It is against this background that municipalities, together with the relevant role players, namely the Department of Forestry, Fisheries and the Environment, provincial environment departments, the South African Local Government Association, the Department of Cooperative Governance and Traditional Affairs, and other stakeholders, should hold hands towards sustainable development. Even though resources (financial, human capital, equipment and infrastructure) are being apportioned to waste management responses, the issue of ineffective waste management is having detrimental impacts on communities and livelihoods. This can be attributed to a lack of service delivery, a shortage of resources, population growth in urban areas, and the mushrooming of informal settlements and unserved rural areas.

Plenary panel discussions, commission discussions and report-back sessions played a vital role in unpacking and understanding the concerns and challenges that delegates from municipalities raised. Subsequently, technical advice and recommendations were shared to address environmental management challenges that affect the local government sphere. The attendees agreed on the recommendations and programmes of action that will be implemented going forward.



1 | INTRODUCTION

The Constitution of the Republic of South Africa, 1996, makes provision for the establishment of the third sphere of government, namely local government, which comprises different categories of municipalities, namely Categories A, B and C. The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998, Cpt 1: Part 1 and Part 2) articulates municipal categories and types of municipalities as follows:

- **Category A municipality (Metros):**

- (a) a municipality with a collective executive system,
- (b) a municipality with a collective executive system combined with a sub council participatory system,
- (c) a municipality with a collective executive system combined with a ward participatory system,
- (d) a municipality with a collective executive system combined with both a sub council and a ward participatory system,
- (e) a municipality with a mayoral executive system,
- (f) a municipality with a mayoral executive system combined with a sub-council participatory system,
- (g) a municipality with a mayoral executive system combined with a ward participatory system; and
- (h) a municipality with a mayoral executive system combined with both a sub-council and a ward participatory system.

- **Category B (Local municipalities [LMs]):**

- (a) a municipality with a collective executive system,
- (b) a municipality with a collective executive system combined with a ward participatory system,
- (c) a municipality with a mayoral executive system,
- (d) a municipality with a mayoral executive system combined with a ward participatory system,
- (e) a municipality with a plenary executive system and
- (f) a municipality with a plenary executive system combined with a ward participatory system.

- **Category C (District municipality [DM]):**

- (a) a municipality with a collective executive system,
- (b) a municipality with a mayoral executive system and
- (c) a municipality with a plenary executive system.

Currently, 256 municipalities have been given broader responsibilities, including that of environmental stewardship, as well as adopting a more sustainable approach to planning and development. A specific environmental responsibility of LMs is delivering environmental services at household and community levels, as outlined in the Constitution of the Republic of South Africa, 1996, the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and Specific Environmental Management Acts (SEMAS), such as the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (NEMAQA), the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEMWA), the National Environmental Management: Integrated Coastal Management Act, 2014 (Act No. 36 of 2014) (NEMCMA) and the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

2 | PURPOSE

The purposes of the Local Government Environment Indaba (LGEI) were to – provide a platform for engagement among municipalities and other government institutions; and

- deliberate on the environmental sector performance of local government in coordination with the national and provincial spheres of government.

3 | OBJECTIVES

The intended objectives of the LGEI were to –improve current local government support mechanisms in advancing environmental sustainability for the Local Government Sector;provide a platform for dialogue between Environment and Local Government Sector role players and stakeholders;identify key challenges and gaps that affect municipalities;share best practice experiences on the various environmental sector priorities; and

- gather local government inputs into the support and oversight role played by the provincial and national government on environmental programme implementation in the local sphere of government.

4 | OUTLOOK OF THE SECOND LOCAL GOVERNMENT ENVIRONMENT INDABA

The 2nd LGEI took place at the Radisson Blu Hotel in Kempton Park from 23 to 24 March 2023. The theme for the LGEI was **“Working Towards Local Environmental Sustainability”**, which is in line with the Local Government Support Strategy: 2019-2024 (LGSS).

The target for the LGEI was set at 700 participants; physically and virtually. Over the two days, the participation totalled 1 400 participants (500 physical and 300 virtual). This comprised mayors, members of mayoral committees, portfolio chairpersons, the South African Local Government Association (SALGA) national working group chairpersons, municipal officials (directors and officials), provincial departments, as well as officials of the Department of Forestry, Fisheries and the Environment (DFFE) and SALGA officials.

The discussions were centralised around the environmental roles and responsibilities of municipalities and best practices in line with the relevant Acts, 2030 National Development Plan, the Medium-Term Strategic Framework (2019-2024) and the LGSS (2019-2024). Most municipalities experience difficulties in executing their environmental mandate, which calls for national and provincial spheres of government to support local government.

The core local government responsibility, regardless of category, is that all its decisions and actions taken must be done in a manner that promotes the fulfilment of the environmental right, as enshrined in the Constitution of the Republic of South Africa, 1996. Its obligations in rendering services must be done in an environmentally sustainable manner. Local government is also expected to strive to meet these objectives “within its financial and administrative capacity”.

4.1 Plenary Sessions for Local Government Environment Indaba

The plenary session for the LGEI featured presentations by representatives from the Department of Forestry, Fisheries and the Environment (DFFE), the Department of Cooperative Government and Traditional Affairs (COGTA), SALGA, the South African Cities Network (ICLEI), provincial institutions (Provincial Department of Environmental Affairs) and municipalities.

Plenary Session 1 set the scene with the welcome address presented by Honourable Campbell, host Mayor of Ekurhuleni Metropolitan Municipality, the President of SALGA, Cllr Stofile, providing an overview of local government performance in environmental management and challenges faced by municipalities in the country. The President also acknowledged the work and contribution of the DFFE in supporting the local government sphere in environmental management. Furthermore, he emphasised that across all sector departments, the DFFE is taking the leading role in making sure environmental programmes are strategised and implemented in the local government space.

The keynote address was presented by the Deputy Minister of Forestry, Fisheries and the Environment, Honourable Soty. Her address emphasised the work being done by the DFFE in supporting local government in environmental management. The Deputy Minister took note of waste management challenges that are engulfing all municipalities in the country and emphasised that more still needs to be done to address the challenges of waste management. The Deputy Minister further acknowledged the good work that the DFFE has been doing to support municipalities in the space of waste management, which included, among other things, the purchase of waste management equipment such as waste compactor trucks, yellow fleet vehicles and the maintenance of landfill sites using Municipal Infrastructure Grant (MIG) funding.

4.2 Plenary Presentations and Discussion

Session 2 of the LGEI was focused on the moderated plenary panel discussion with the topic: “**State of Environmental Management Performance in Local Government**” (Municipal Capacity Analysis) and was presented by Mr Mthobeli Kolisa. The capacity of many municipalities in South Africa around environmental management is inadequate and requires special attention to address the shortcomings associated with environmental management. Although there is a bigger investment (financial, infrastructure, equipment, human capital)

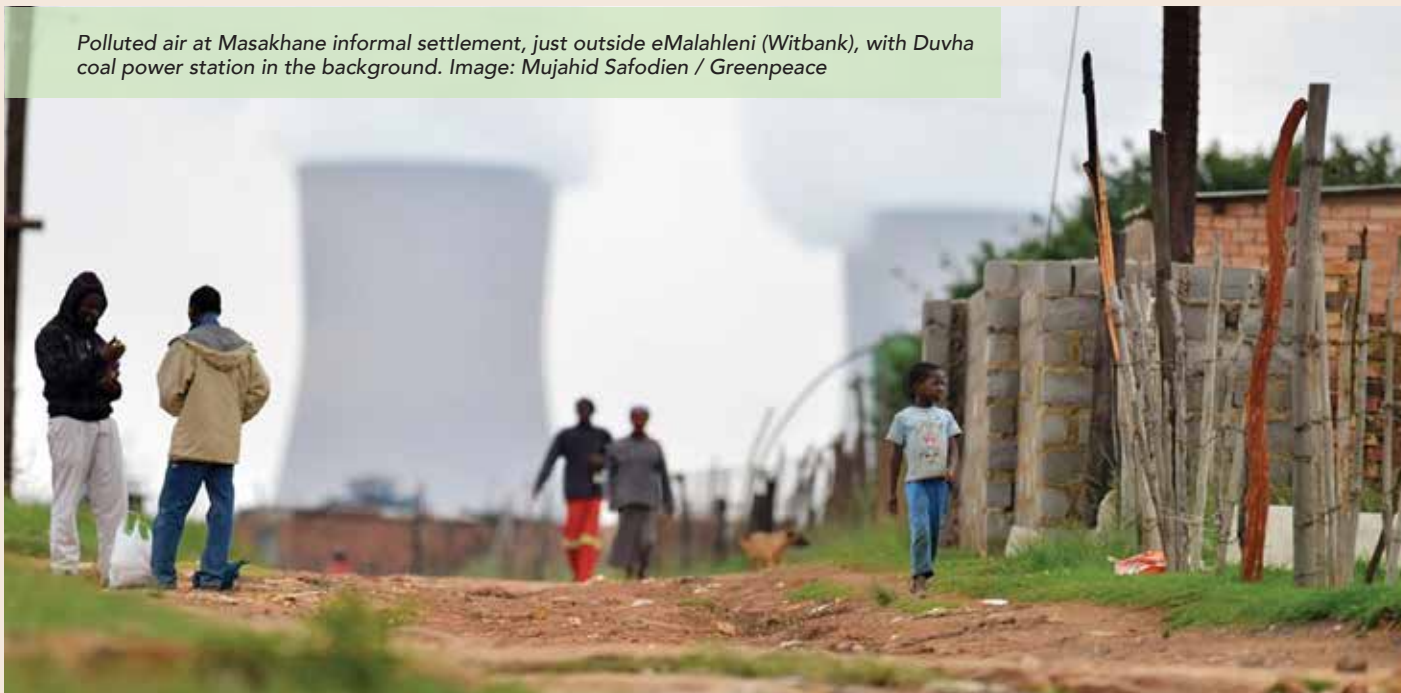
in municipalities towards waste management, waste management challenges are still at an all-time high. The development of strategic plans (Integrated Waste Management Plans, waste by-laws), lack of operational plans to manage landfill sites, compliance and enforcement incapacity, and shortage of waste management resources such as yellow fleets continue to affect local government in the areas of waste management.

According to the latest statistics released by Statistics South Africa (2019), approximately 61,5% of households in South Africa received waste removal services from their municipalities. This means that of the 16,6 million South African households, approximately 10,6 million have access to waste removal services. The remaining households may have limited access to waste services or they may be using alternative means to dispose of their waste, such as burning it or disposing of it in open areas, which can adversely affect public health and the environment.

Other environmental management functions or services such as air quality management (AQM), which are usually the responsibility of the district municipalities and metropolitan municipalities, are also not adequately resourced to deal with AQM issues or challenges. The panel discussion was able to deliberate the fact that most municipalities, especially LMs, do not have Air Quality Management Plans (AQMPs) and Air Quality Management by-laws. Moreover, those with plans mostly are not up to date or require reviews. It can also be affirmed that some of the municipalities that have AQMPs cannot implement them due to budgetary constraints. The designation of AQOs responsible for compliance and enforcement of AQM is lacking in many LMs and district municipalities that are vested with the responsibilities to manage AQM.

It was also noted that biodiversity and conservation (B&C), climate change management, and coastal management require special attention in many municipalities as capacity is unable to perform these important functions or provide services in these focused areas. Inadequate budget allocation for environmental management functions in municipalities and a lack of political will were identified as contributing factors for capacity issues in the local government sphere. Intergovernmental cooperation and coordination are not evenly distributed among sector departments, with DFFE acknowledged as the sector department that is more visible in the local government space with regard to environmental management programmes.

Polluted air at Masakhane informal settlement, just outside eMalahleni (Witbank), with Duvha coal power station in the background. Image: Mujahid Safodien / Greenpeace



4.2.1 Air Quality Management presentation

The presentation on AQM was given by Dr Patience Gwaze (DFFE), which was focused on the status quo of AQM in municipalities. Municipalities are mandated to protect the ambient air quality within the local space in terms of government statutes. In terms of AQM, NEMAQA mandate and administration are done by all spheres of government, namely national, provincial and local governments. Air quality licensing is administered by the national and provincial departments responsible for environment management and district municipalities, including metropolitan municipalities. LMs supported by district municipalities monitor emissions within their jurisdiction and enforce air quality regulations.

The presentation was also focused on the declaration of an area as a high priority area (HPA) for air quality in South Africa, which is made under section 18(1) of NEMAQA. This is done by the Minister of Forestry, Fisheries and the Environment after having assessed the air quality in an area and deciding that it requires special attention to reduce air pollution. Once an area has been declared an HPA, the responsible authorities must undertake measures to improve air quality and reduce pollution levels. This can include implementing emission reduction measures for industrial- and transport-related activities, monitoring air quality regularly, and raising public awareness about the impact of air pollution on human health and the environment.

Currently, many areas in South Africa have been identified as HPAs for air quality, such as the Vaal

Triangle, Highveld Priority Area, and the Waterberg–Bojanala Priority Area. Measures are being taken to reduce the high levels of air pollution in these areas and improve air quality for the health and well-being of residents.

According to the latest data from South Africa's National Air Quality Officer (AQO), some of the key air pollutants and their levels in these areas are as follows:

- Particulate Matter (PM10 and PM2.5): Tiny particles that can damage lungs and can result in respiratory and cardiovascular problems. In the Vaal Triangle, PM10 levels have been recorded between 120 and 207 micrograms per cubic meter, with some sites having levels exceeding 500 micrograms per cubic meter. In the Highveld Priority Area, the annual average concentration of PM2.5 was measured at 22 µg/m³ in 2019.
- Nitrogen Dioxide (NO₂): A toxic gas produced mainly by vehicles and industrial activities. In the Waterberg–Bojanala Priority Area, NO₂ levels were measured at an average of 28 micrograms per cubic meter over a 12-month period.
- Sulphur Dioxide (SO₂): A gas produced by burning fossil fuels, mainly by industrial activities. SO₂ levels in the Highveld Priority Area and the Vaal Triangle have been recorded between 25 and 109 micrograms per cubic meter.

These high levels of air pollution in the HPAs in South Africa have been linked to various health problems, including respiratory illnesses, heart disease and cancer. It is crucial to monitor and reduce the levels of these air pollutants to protect the health and well-being of those living in these areas.

Dr Gwaze also emphasised the status of development of AQMPs by municipalities. It was noted that there are municipalities without AQMPs (mainly LMs), approved AQMPs, while other municipalities have outdated AQMPs. The lack of both AQMPs and Council-approved AQMPs hinder the implementation of AQM functions. The major challenge faced by municipalities is resourcing (funding, human capital, infrastructure, equipment and sector plans) to fulfil the AQM function. Government owns 133 AQM monitoring

stations. It should be noted that municipalities own few monitoring stations as compared to private institutions. This is informed by the fact that municipalities are unable to budget, procure and maintain the monitoring station due to the cost/price of such an important instrument. The existing stations are prone to vandalism, theft and loadshedding. It is, therefore, significant to look for an alternative source of energy to power the stations to avoid a breakdown in the transmission of data. The current challenge of loadshedding is rendering the data collected by the monitoring station unreliable and inadequate. The DFFE has developed the South African Air Quality Information System (SAAQIS) where citizens are able to view the state of air within their respective municipalities. The DFFE will continue to help and guide all spheres of government, as described in the National Framework for Air Quality Management.

It was then recommended that municipalities within the priority areas –

- should have AQMPs to address air quality problems that lead to exceedances of the ambient air quality standards;(national priority areas) have functional ambient monitoring stations; and
- ensure that compliance standards are in line with the requirement to monitor pollutants as per air



4.2.2 Integrated Waste Management

The presentation on Integrated Waste Management was done by Ms Mamogala Museneke from DFFE. In her presentation, the emphasis was on waste management being one of the key municipal service delivery mandates. She further affirmed that there are several challenges at a municipal level regarding waste management, including but not limited to the development of Integrated Waste Management Plans (IWMPs) and by-laws. The development of IWMPs is mandated by the Waste Management Act, while the by-laws are mandated by the Municipal Structures Act. The challenge that municipalities face is that many do not prioritise environmental functions and plans.

The IWMP should be integrated into the municipal Integrated Development Plans (IDP); however, the environmental functions find partial expression or are not expressed in the IDP. The integration of sector plans creates an opportunity to influence planning, decision-making and implementation, while at the same time assisting in advocating for the delivery of waste management services. Implementation of waste minimisation (with the newly found emphasis on extended producer responsibility [EPR]), as required by NEMWA, necessitates a review of service provision and institutional arrangements in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Municipalities should recognise the need to raise the profile of waste management and prioritise it with other services such as water and electricity. In terms of the Waste Management Act, there is a need for municipalities to develop, approve, promulgate and enforce waste management by-laws. Furthermore, the designation of a Waste Management Officer (WMO) to manage and conduct compliance monitoring and enforce the by-laws cannot be overemphasised. Municipalities are unable to collect revenue due to capacity constraints in terms of human resources, and inappropriate tariffs, these shortcomings must be addressed to improve the implementation of strategic plans in waste management within municipalities.

4.2.2.1 Municipal Infrastructure Grant

The DFFE, together with COGTA and SALGA, approached National Treasury to influence change in policy for MIG to fund waste management issues, for example, yellow fleets. The DFFE used its own funds to purchase 22 yellow fleets for municipalities (skip, front-end loaders and tipper trucks). Significant improvement on waste management is a need and will only be realised if the municipalities also budget for other environmental functions that at times serve as contributing factors for waste management challenges. A major challenge experienced by municipalities is that municipal project management units (PMUs), which are responsible for the management of MIG, do not prioritise the procurement of yellow fleets.

4.2.2.2 Cleaning and Greening programme

The DFFE appreciates the partnership with municipalities on the Cleaning and Greening project. LMs have been given a minimum 120 Expanded Public Works Programme (EPWP) participants for the Cleaning and Greening project, but there is a challenge in terms of tools of trade as some struggling municipalities do not have budgets to procure the tools of trade required for the implementation of the Cleaning and Greening project.



Municipalities should recognise the need to raise the profile of waste management and prioritise it with other services such as water and electricity. In terms of the Waste Management Act, there is a need for municipalities to develop, approve, promulgate and enforce waste management by-laws. Furthermore, the designation of a Waste Management Officer (WMO) to manage and conduct compliance monitoring and enforce the by-laws cannot be overemphasised.





*Assist Manager: Waste Management in Metsimaholo Local Municipality, Ms Ntswaki Selikane educating the community & learners about the importance of separation of waste at source.
Image: Metsimaholo Local Municipality*

It was emphasised that programmes of support should be developed and implemented for struggling municipalities to ensure that they are not disadvantaged.

4.2.2.3 Extended producer responsibility

The Separation of Waste at Source programme is the key element of EPR. Municipalities must take advantage of opportunities to access funding to improve separation at source, and create industry partnerships (such as industrial symbiosis) and other waste management-related programmes that are aimed at diverting waste from waste disposal facilities.

4.2.2.4 Good Green Deeds programme

The DFFE is still in consultation with National Treasury to fund the second phase of the Good Green Deeds (GGD) programme. The programme has been delegated to provincial departments due to the higher workload at the DFFE. The recruitment of EPWP participants in environmental programmes will be done in line with the EPWP ministerial determination of 2019 in municipalities as it will contribute to the efficiency of the programme.

4.2.2.5 Challenges of Waste Management

The main challenge in the country is littering and illegal dumping, and, therefore, a need to create strategies to deal with this is a top priority.

- It is still a challenge to implement the National Waste Management Strategy (NWMS) that was adopted in 2020.

- Municipalities need to be trained in the 2020 NWMS.
- There is a lack of enforcement of waste by-laws (a need to further support the municipalities in this regard is essential).
- The lack of development and review of the IWMPs and implementation thereof.
- A lack of long-term planning (post five years).
- The lack of continuity from one administration to another.
- The lack of compliance of landfill sites.

4.2.2.6 Chairperson's remarks

PMU officials in municipalities are making it difficult for municipalities to access MIG funds to purchase a yellow fleet.

- Closed landfill sites must have closure permits and operational licensed landfill sites must be managed properly.
- Some municipalities are still using old landfill site permits (Environment Conservation Act, 1989 [Act No. 73 of 1989] [ECA]) and, therefore, there is a need for the conversion of such waste licences to conform to the current legislation.
- The IWMPs must be integrated into the IDP.

4.2.2.7 Climate Change

The DFFE has initiated a National Climate Change Bill (NCCB) which is under public participation. In the Bill, it is stated that a Mayor of a metropolitan or DM must, within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 18, undertake a climate change needs and response assessment for the metropolitan or DM. The Bill includes measures or programmes relating to both adaptation and mitigation in line with the constitutional mandate of the metropolitan or DM. A metropolitan or DM is expected to develop a climate change response implementation plan, which must form a component of the relevant municipality's IDP adopted in terms of section 25 of the Local Government: MSA.

It has been considered that there is a need for continuing urgency to address municipal performance in environmental management as a sector. At the same time, it is recognised that the capacity and financial constraints that plague municipalities undermine their efforts. The objectives include building climate resilience and adaptive capacity to respond to climate change risk and vulnerability; promoting the integration of climate change adaptation responses into development objectives; improving the understanding of climate change impacts and capacity to respond to these impacts; and ensuring that resources and systems are in place to enable the implementation of climate change responses, including early warning system technology and infrastructure.

To support the work of municipalities in implementing the strategy, the DFFE introduced the provincial and local government Climate Change Support programmes. These programmes provide guidance on how to integrate climate change response strategies into municipal planning processes. To transition from policy to planning, the DFFE has assisted municipalities to develop project proposals to access climate finance opportunities. To date, all provinces and district municipalities in the country have undertaken Risk and Vulnerability Assessments and developed Climate Change Response Strategies through this programme. All municipalities have been trained on how to develop climate change catalytic project proposals for funding.

An important step in our efforts to tackle climate change was the development of the Climate Change Bill, which was introduced in South Africa in November 2020. Its aim is to provide a legal framework for the country to manage and reduce its greenhouse gas emissions. As of September 2021, the Bill was passed by National Assembly and is currently awaiting to be tabled at the National Council of Provinces for further consideration. The Bill includes provision for the establishment of the Climate Change Commission, which will be required to prepare national adaptation and mitigation plans, as well as reporting on the country's progress towards achieving its climate change goals, while municipalities will be required to conduct climate vulnerability assessments and Districts/Materos Climate Change Response Plans. Once it is promulgated into an Act, it will be mandatory for all spheres of government to develop and implement climate response strategies.

A 180 Hectare Pecan Nut Orchard in Hartswater, North-West province has solved its irrigation problem virtually overnight by installing the region's largest off-grid low-voltage solar farm. Image: Victron Energy



5 | COMMISSION REPORT PER ENVIRONMENTAL THEMATIC AREA

This section provides an analysis of the presentations that were presented at the plenary session. The conclusion of the plenary presentation was followed by different commissions per environmental thematic area, which include AQM, Waste Management, B&C, Climate Change, Integrated Coastal Management (ICM), Forestry, Environmental Compliance and Enforcement, and Finance and Institutional Arrangement. In the commissions, delegates were given opportunities to ask questions and provide inputs and comments on the topics presented, and share their experiences on how they are addressing environmental management issues and challenges in their municipalities. Case study presentations also formed part of the commissions from several municipalities where they showcased the best environmental practices they are implementing.

5.1 Air Quality Management

AQM is the environmental management function that most municipalities in South Africa are struggling to perform. This was observed from the presentation on AQM and the response from the delegates attending the AQM commissions. The AQM presentation provided – 1. a performance analysis of municipalities in rendering AQM function; and 2. raised challenges and interventions that were deliberated in the commission.

A status quo of municipal performance was delivered in relation to the following situational analysis:

5.1.1 Designation of Air Quality Officers

NEMAQA requires that each sphere of government must designate an AQO to coordinate the implementation of AQM functions in the municipalities. Most of the district municipalities, which are the Competent Authority to issue and process air emission licences (AELs), have designated AQOs; however, municipalities that do not have the capacity for licensing AELs are issued by the respective province. LMs are the worst affected in regards to the designation of AQOs, especially the rural municipalities in South Africa. Some LMs do not have designated AQOs as they see it as a duplication of duties, which is not necessary and is putting pressure on the performances of AQM services. The lack of budget

to recruit AQOs by municipalities affects the capacity of the affected municipalities to designate AQOs to address AQM challenges. HPA district municipalities have designated AQOs, yet there is still a lack of capacity to fulfil the AQM function as per the legislation.

5.1.2 Air Quality Management Planning and air quality by-laws

The DFFE and provincial Department of Environment are mandated by the National Environment Management: Air Quality Act (NEMAQA) to develop an Air Quality Management Framework, strategies, guidelines, and regulations to coordinate the development and implementation of AQMPs within the local sphere of government (Metropolitan, District and LMs). Metropolitan municipalities, district and LMs are required by NEMAQA to develop and implement the AQMP in their jurisdictions. Municipalities are also required to develop air quality by-laws that are used to regulate compliance monitoring and enforcement in relation to activities that contribute to air pollution within municipalities. The development of AQMPs by municipalities aims to achieve the following:

- Establish strategies for air quality improvements; Determine resource requirement for implementation; Process and issue AELs; and Build capacity.

5.1.3. Development and challenges of Air Quality Management Plans

Pollution control competes with other functions of basic services in municipalities.

- A lack of political will to support the funding of the development of AQMPs and their implementation.
- Resource limitations for district and provincial departments to develop AQMPs for LMs.
- LMs do not consider developing AQMPs as important since the District Municipalities are developing and implementing them, which include all the local municipalities within those districts. This is seen as a duplication of duties.

5.1.4 Atmospheric Emission Licence management

In terms of section 36 of NEMAQA, provinces and metropolitan/district municipalities are the atmospheric emission licensing authorities in charge of issuing, monitoring and managing atmospheric emission licenses (AELs) issued to industries. Processing and issuing AELs are coupled with their management challenges, which include the following: Inadequate distribution of human capacity at district levels to process, issue and manage AELs; and

- A lack of tools, such as Internet connectivity, which limits the processing of AELs.

The DFFE and provincial departments that are responsible or serve as the competent authorities in the processing and issuing of AELs are required to coordinate management strategies to improve support to struggling municipalities through coordination, capacitation and oversight. The environment sector, in collaboration with SALGA, must establish AQM advocacy programmes and stakeholder engagements. Municipalities must be encouraged to invest in the necessary human capacity and the tools of operations, adoption of online management of AELs, and change of mindset in the administration of the municipalities to aid cooperation for effective sustainability.

5.1.5 Air Quality Monitoring

NEMAQA places the mandate of ambient air quality monitoring primarily on provinces and municipalities. Provinces and municipalities are required to place monitoring stations in different locations, especially where there are activities that contribute to air pollution. The information from the monitoring stations must be reported to SAAQIS, which is designed to provide information available to all stakeholders, including communities in the affected areas. Municipalities declared as HPAs happen to have few air quality monitoring stations, which limits the metropolitan and district municipalities from managing AQM adequately.

The contributing factors that are established as challenges for air quality monitoring include the following:

- The ageing of air quality monitoring infrastructures and an inconsistent power supply; Increased theft and vandalism; Limited capacity for the maintenance of complex equipment that needs technical ability; and
- Budget constraints owing to competing priorities in local government.

The municipalities that are struggling to improve the performance and management of monitoring stations require assistance from national and provincial government sector departments to coordinate and establish AQM programmes that are aimed at improving municipalities' AQM performance. The following interventions are envisaged to improve AQM performance in the local government sphere:

- Upgrading AQM infrastructure; Procuring security services to safeguard monitoring station infrastructures; Relocating monitoring stations from areas vulnerable to criminal activities to safer sites; Establishing a long-term technical support system, in partnership with the South African Weather Service, to build national capacity in monitoring station management and operations; and
- Using cost-effective mobile stations.

5.1.6 Case Study: Garden Route District Air Quality Management – good practices

The Garden Route District Municipality views AQM as a form of teamwork. This emanates from the shared responsibility that the district employs in AQM, where all stakeholders are involved in addressing AQM issues and challenges. The stakeholders that the district works with include the Department of Environmental Affairs and Development Planning, LMs and NGOs. The district has identified the following air pollution priorities: Dust, smoke and odour household emissions;

- Vehicle emissions;
- Industries particulate matter; and
- Industrial activity, agricultural vehicles, odour.

The Greater Oudtshoorn Municipality, in partnership with the Garden Route District Municipality, conducted a comprehensive vehicle emissions testing operation in September 2023. This was aimed at improving air quality and reducing harmful emissions from vehicles polluting the air of the town. Image: Greater Oudtshoorn Municipality



5.1.6.1 Risk management and challenges

- Budget constraints will impact the implementation of AQM programmes.
- District municipalities reliant on equitable share.
- Duplication of responsibilities by designated AQOs put pressure on their performances for AQM services.
- Not all municipalities that have developed AQ by-laws have gazetted them.

5.1.6.2 Recommendations

- Funding Model for Environmental Management – generating own revenue, revisiting licence fee structures.
- Restructuring the Equitable Share Model for a DM.Partnerships – air quality involves team work – improved communication sector departments.
- Emphasising the importance of AQM to our municipal councils and centralising AQM for the prosperity of a region.
- Proper communication to affected communities – public–private partnership processes to reach everyone.
- Sharing of municipal resources.

5.1.7 Air Quality Management Commission: Discussions and recommendations

5.1.7.1 Environmental advocacy

- Educational awareness and campaigns on AQM in municipalities should be the starting point to address challenges of misunderstanding the functions, especially for political heads and management.
- Awareness programmes will aid municipalities in communicating AQM issues with their respective communities to address challenges that communities face.
- Stakeholders involved in the management of air quality, which include all three spheres of government, should work together to develop educational awareness and campaign strategies to improve AQM techniques in municipalities.

- Building good intergovernmental relationships will involve communities, businesses, industries, government and NGOs in communicating air quality.

5.1.7.2 Designation of Air Quality Officers

- Municipalities emphasised the lack of appointment and designation of AQOs due to budgetary constraints to fund posts.
- Small municipalities do not have an environmental management structure that can aid the designation of AQOs and disadvantage the prioritisation of AQMs in the municipality.

5.1.7.3 Development of Air Quality Management Plans and air quality by-laws

- Municipalities expressed concerns with challenges of developing AQMPs and air quality by-laws emanating from the lack of an adequate budget(s) that is required for their development and implementation.
- Request for assistance from sector departments that form part of the three spheres of government (DFFE, provincial Department of Environment, SALGA, COGTA) by municipalities appear to feature from delegates attending the Indaba on Environment more frequently. The assistance was more on funding the development and implementation of AQMPs and air quality by-laws.
- It was also suggested that the terms of reference used to develop an AQMP must be aligned to the type of municipality that the AQMP is developed for and not be standardised.



Khayelitsha Ambient Air Quality Monitoring station.
Image: Western Cape Government Environmental Affairs And Development Planning.

5.1.7.4 Atmospheric Emission Licensing

- AEL processing is the functions that delegates recognise as the responsibility of the metropolitan and district municipalities; however, if a district or a metropolitan municipality cannot perform the function, the provincial department and national department of environment can perform the function on behalf of the municipalities.
- However, municipalities see this delegation of function as problematic with regards to performing the function of AELs as they believe the lack of capacity at provincial and district levels disadvantage the adequate processing of AELs, which results in compliance- and enforcement-related issues when dealing with air pollution in municipalities.
- Municipalities also raised the issue or challenge of capacity at district level to process AELs.

5.1.7.5 Compliance monitoring and enforcement

- The monitoring of ambient air in municipalities is a challenge that requires a holistic approach to address air pollution, especially in HPAs.
- The lack of capacity to monitor compliance in facilities and mines within the jurisdiction of municipalities across the country results in municipalities not being able to enforce air quality by-laws.
- To improve capacity in municipalities, the use of traffic officers for vehicle emission testing was suggested.
- Most municipalities across South Africa do not have by-laws that are gazetted.
- Budgetary constraints hinder the effectiveness and efficiency of conducting compliance monitoring and enforcement of air quality by-laws and the implementation of an AQMP.

5.1.7.6 Prioritisation of Air Quality Management

- Municipalities raised the challenge of the AQM function not being prioritised.
- The AQM function is being overlooked when compared to other functions, such as human settlement, waste management, water provision, or infrastructure development.
- In most municipalities, the AQM function does not receive an adequate budget.

- It was suggested that there must be collaboration between the DFFE, SALGA, COGTA and provincial departments of environment where they can engage with National Treasury to request funding through MIG and use the allocation for AQM functions.
- It was suggested that the AQM Policy be reviewed or changed to deal with bottlenecks or red tape that often make it difficult to perform the AQM function efficiently.
- It was also suggested that the DFFE be the only Competent Authority responsible for environmental impact. The Department of Mineral Resources and Energy (DMRE) should only keep the function of licensing of mines.
- The delegates emphasised that the DMRE cannot be the player and referee with regard to issuing mining rights and permits, and play the role of the Competent Authority in the monitoring of compliance and enforcement for mining activities.
- An equitable share of environment-related taxes (plastic levy, carbon tax, etc.) should be channelled towards environmental management-related functions.
- The delegates suggested that policy review or change is required, especially in building capacity in municipalities to perform environmental functions, which can be done through a change in the allocation of resources (budget) to enable effectiveness and efficiency for AQM in municipalities.

5.1.7.7 Declaration of High Priority Areas

- The delegates emphasised that municipalities that were declared HPAs were not provided with adequate funding to implement the AQMPs of the HPAs. Similarly, some of the environmental functions devolved through legislation without funding allocation.
- The delegates advised that it is extremely important that when the national and provincial government plan programmes in local government, they also provide financial support for the planned interventions, either through the development and implementation of policies or by building human capacity to implement such policies.

5.1.7.8 Spatial planning

The municipalities raised an issue that industrial zones are being forced to close by communities residing close to them due to the pollution that such industries are generating. It should be noted, however, that in most cases, these communities were developed or formalised post the industrial zones being established in these areas.

- The officials in the DFFE advised that municipal spatial planning processes are to be blamed as the zoning of residential areas close to industrial zones should have not been encouraged or done in the first place.

- It was suggested that there must be cooperation and collaboration among different departments in municipalities, whether with regards to human settlement, spatial planning, technical services and social services, together with economic development, as it will enable sustainable planning.

The AQM Commission concluded with programme actions (with key results areas, activities and roles and responsibilities of relevant institutions) that need to be undertaken to improve performance in the sector. The table is presented below:

Table 1: Air Quality Programme of Action

Key Result Area	Activities	Roles and Responsibilities
Legislative reform	<ul style="list-style-type: none"> • Clarify the roles and responsibilities of District and LMs in AQM • Align duties in the environmental legislation and local government legislation <ul style="list-style-type: none"> – The duties that the environmental legislation is assigning to categories of municipalities are not aligned with the powers that are assigned to the municipalities by local government legislation, for instance, NEMAQA assigns air quality duties to district municipalities, while the MSA does not assign any environmental management duties to district municipalities. • Amend the legislation to accommodate the LMs in the AQM <ul style="list-style-type: none"> – The AQM function mainly sits with the district, but there are LMs that would want to have a meaningful role in the AQM and the proposal is for the legislation to be amended to accommodate these LMs as LMs have different capacities. The approach could be for the District and LM to have a Memorandum of Agreement (MOA) for those LMs with the capacity to be given some of the roles and responsibilities. • Improve accountability of environmental functions by reconsidering environmental management authorisation <ul style="list-style-type: none"> – Reconsider environmental management authorisation relating to mining activities to improve the accountability of environmental functions by having one department that accounts for authorisation by restructuring the DMRE function of the Competed Authority for the issuing of environmental authorisation related to mining rights, licensing and permitting and compliance and enforcement, and move such functions to the DFFE, which must serve as the only Competent Authority on environment in South Africa. • Develop an AQMP • Review Atmospheric Emission Licence Management <ul style="list-style-type: none"> – There is a need for municipal capacity to perform the function. • Review Air Quality Monitoring <ul style="list-style-type: none"> – There is a need to upgrade air quality infrastructure, safeguarding monitoring station, relocate monitoring stations to safe sites, establish long-term technical support system in partnership with SAWS, use low-cost mobile stations and the impact of loadshedding on stations – There is a need to upgrade air quality infrastructure, safeguarding monitoring station, relocate monitoring stations to safe sites, establish long-term technical support system in partnership with SAWS, use low-cost mobile stations and the impact of loadshedding on stations 	COGTA, DFFE, SALGA

Table 1: Air Quality Programme of Action (Continued)

Key Result Area	Activities	Roles and Responsibilities
Sector Planning	<ul style="list-style-type: none"> The sector needs to simplify the development of AQMPs and air quality by-laws (endorsed by Members of the Executive Council [MECs] and gazetted for implementation by – <ul style="list-style-type: none"> developing a framework for AQMP that municipalities can use to develop their own plans internally, especially for those municipalities without major air quality issues. The Environment and Local Government Sector needs to determine support interventions to assist municipalities with the gazetting of by-laws. <ul style="list-style-type: none"> developing an AQMP, which should be at a district and metro level, with district plans having LM chapters, then LMs are allowed to adopt district plans. supporting or encouraging municipalities to develop the AQM by-laws using existing model by-laws as it could be a more cost-effective exercise. Environmental Management Inspectorate (EMI) training and designation of EMIs by MECs to improve compliance and enforcement of NEMA and its SEMAs within municipalities should be prioritised. 	
Governance	<ul style="list-style-type: none"> Review the municipal organisational structure to establish a dedicated personnel structure responsible for AQM functions. Build resilient human resource capacity through change in the allocation of financial resources for staffing or recruitment. Municipalities need to ensure the designation of AQOs. <ul style="list-style-type: none"> There is a need for municipal capacity to perform the function. Review Air Quality Monitoring <ul style="list-style-type: none"> There is a need to upgrade air quality infrastructure, safeguarding monitoring station, relocate monitoring stations to safe sites, establish long-term technical support system in partnership with SAWS, use low-cost mobile stations and the impact of loadshedding on stations There is a need to upgrade air quality infrastructure, safeguarding monitoring station, relocate monitoring stations to safe sites, establish long-term technical support system in partnership with SAWS, use low-cost mobile stations and the impact of loadshedding on stations 	COGTA, DFFE, SALGA
Advocacy	<ul style="list-style-type: none"> Build municipal capacity through environmental management advocacy on AQM awareness aimed at political heads/public and other officials in municipalities. Raise awareness on AQM within community structures so that the participation by members of the public on AQM can improve. 	
Financing	<ul style="list-style-type: none"> Prioritise and provide adequate and consistent financial resources for AQM functions (PPP, donor funding, etc.). Explore how MIG can be used to procure monitoring stations similarly to how MIG is used to procure waste specialised vehicles. Management and funding of priority areas: Declaration of priority areas must be supported by the allocation of resources and financial means to be able to implement strategies or plans for their management. 	

5.2 Integrated Waste Management

The management of waste in South Africa falls within the mandate of the DFFE. This mandate is derived from section 24 of the Constitution of the Republic of South Africa, 1996, in which the following is stated:

“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 other degradation.
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

To give effect to this mandate, the DFFE has developed and promulgated policies, legislation, strategies and programmes. Key among these is NEMWA and the NWMS of 2011. The NWMS is a statutory requirement of NEMWA.

The management of domestic waste in South Africa currently faces many real challenges. In terms of the Constitution of the Republic of South Africa, 1996, waste management service delivery is a local government function. The status of waste management in South Africa is, therefore, an indication of how well municipalities succeed in performing this function. Recent initiatives aimed at identifying the challenges experienced by municipalities identified four broad themes of obstacles to effective waste management, namely financial management, equipment management, labour (staff) management, and institutional behaviour (management and planning). It was noted that these challenges are often symptoms of several underlying and inter-related root causes that need to be addressed first. Many of these underlying causes are also often outside of the mandate or control of local government and, as such, require close cooperation between local, provincial and national government. The Waste Management presentation addressed the following key issues:

5.2.1 Development of Integrated Waste Management Plans and waste by-laws

Waste management is one of the key municipal service delivery mandates. There are challenges with waste management at a municipal level. In terms of the Waste Management Act, all municipalities are required to develop and implement Integrated Waste Management Plans (IWMPs). The development of Integrated Waste Management Sector plans such as IWMPs and waste by-laws by municipalities remains a huge challenge. This is due to the fact that municipalities do not prioritise environmental functions and the plans are considered less important. Some municipalities have developed IWMPs to be compliant with legislation. These IWMPs are not implemented. The IWMP should be integrated into the municipal IDPs; however, the environmental functions do not find expression in the IDP. The integration of sector plans creates an opportunity to influence planning and decision-making, and further advocating for budget provision for waste management services.

5.2.2 Designation of Waste Management Officers

The municipalities are required to designate WMOs who will be responsible for performing waste management services, such as the coordination of waste collection, the operation of landfill sites, the implementation of waste minimisation strategies, the allocation of finance, staffing, the procurement of waste equipment, and conducting compliance monitoring and enforcement within the value chain of waste management services. It must be noted that the absence of designation in many municipalities within the local government sphere is a huge challenge that requires urgent interventions from various sector departments involved in the waste management value chain. Moreover, municipalities should prioritise waste management services in their planning and operational management. Municipalities are required to reflect the status of WMOs designation within the IDPs.

5.2.3 Municipal Infrastructure Grant

The DFFE, together with COGTA, approached Treasury to influence change of policy for MIG to fund waste management services to procure movable assets such as yellow fleets. The MIG Policy was changed and, therefore, in its current form, municipalities can procure waste management equipment (skips, front-end loaders, tipper trucks and compactor trucks). However, municipalities that have financial means are encouraged to prioritise budgets for waste management equipment.

To date, the DFFE has purchased 22 yellow fleets for municipalities across South Africa.

5.2.4 Operation and management of landfill sites

Landfill site operation and management is a challenge that requires urgent attention for most municipalities in South Africa. The challenges emanate from the fact that some municipalities are operating their landfill sites without licences, while some do not comply to their landfill site licence conditions. Limited resources in terms of human capacity, technical capacity to operate landfill sites, compliance monitoring and enforcement, the unavailability of weigh bridges to record and weigh waste entering landfill sites and the lack of a budget for operational purposes are also major contributors to the ineffective management of landfill sites. Interventions in the form of cooperative governance in all spheres of government should be encouraged and capacity building for municipalities to manage and operate landfill sites should be prioritised in local government.

5.2.5 Waste Management challenges

South Africa's municipalities are faced with dirty streets, open spaces that are not maintained, waste collection that is not consistent, and the lack of capacity for waste management services. All these result in the following waste management challenges:

- Illegal dumping and littering;
- A lack of capacity to implement the NWMS that was adopted in 2020;
- No compliance and enforcement licence conditions in the operation of landfill site management; Inadequate designation of WMOs;
- A lack of capacity to implement IWMPs and enforce waste by-laws;
- Changes in municipal administration affect the continuation of waste management programmes;
- A lack of recycling initiatives in many municipalities limit the capacity of municipalities to divert waste from landfill sites;
- Most of the landfill sites are not licensed and operate as dumping spots; and Budgeting constraints affect municipalities in the administration of waste management services.

5.2.6 Integrated Waste Management interventions

5.2.6.1 Extended Producer Responsibility

EPR plays a role in the separation of waste at source and the diversion of waste to energy. Littering is one of the issues that municipalities are facing across South Africa; a challenge that requires all three spheres of government, waste-pickers, communities, and business to work together to deal with it. Municipalities must take advantage of the opportunities to access funding to improve separation at source and other waste-related programmes that promote recycling.

5.2.6.2 Cleaning and Greening programme

- The DFFE appreciates the partnership of municipalities on the Cleaning and Greening project.
- LMs have been given a minimum of 120 EPWP participants for the Cleaning and Greening project, but there is a challenge of PPE as some struggling municipalities are unable to purchase PPE. It was emphasised that struggling municipalities should not be disadvantaged as strategies to support such municipalities will be explored.

5.2.6.3 Good Green Deeds programme

- The DFFE is still in consultation with National Treasury to fund the second phase of the GGD programme.
- The programme has been delegated to provincial departments due to the higher workload on the DFFE.
- There must be fairness and no nepotism in the recruitment of EPWP participants in environmental programmes within municipalities.

5.2.6.4 Environmental Programmes: Working for Water, Wetland, People and Parks, etc.

- The DFFE has Working for Water, Wetland, People and Parks programmes, etc.
- The DFFE needs to work with municipalities to ensure that the departmental programmes are implemented to support local government, especially municipalities that are struggling.

5.2.6.5 Allocation of sufficient budget and recruitment of Waste Management Officers

- Financial pillar – improve revenue.
- Human Capital pillar – suitable qualified human capital for capacity to deliver services.
- Upgrading waste infrastructure.
- Using MIG to fund waste management services.

5.2.7 Case study: Witzenberg Local Municipality Waste Management – Good practices

5.2.7.1 Incentive programme

- The municipality has developed a system of giving discounts to citizens who separate waste at source.
- The system motivates citizens to put more effort in recycling and, in turn, it saves the municipality money that could have been used to collect and manage waste.

5.2.7.2 Use of innovation and technology to improve waste collection (in other words, South African Local Government Association Waste App)

- The municipality is using the SALGA Waste Management App to communicate with citizens on waste management issues (in other words, location of waste management facilities, broadcast awareness messages, receive and attend to complaints).
- The app is available for all municipalities who are interested.
- The app assisted the municipality in proper waste management interventions. It enables customers to locate municipal facilities. Messages to the public can be received instantaneously as it is uploaded on the app. The community can also easily contact the officials.
- The municipality has developed a drop-off facility, among other facilities. Every customer who comes to the drop-off facility is given a discount – incentives. That equals to the savings it would have cost the municipality for collecting from the household. The municipality also improved locating material recovery facilities (MRFs). MRFs are more effective

when users bring waste already sorted; hence, communities are encouraged to separate at source.

- Findings on Separation at Source using the Annual Performance Plan – 42% of waste can be recycled. Organic waste can be used for composting.

5.2.8 Waste Management Commission: Discussion and recommendations

5.2.8.1 Development of Waste Management Sector plans

- Municipalities that are struggling with the development of waste management sector plans such as IWMPs and waste by-laws must be supported in the development of IWMPs.
- Sector departments, such as the DFFE and the provincial department responsible for environment, must aid struggling municipalities with systems in the form of an IWMP portal and funding for their development and gazettement of waste by-laws.

5.2.8.2 Environmental management structure

- Municipalities must designate WMOs, especially rural municipalities that usually do not have adequate capacity to address waste management services.
- Municipalities must allocate enough budget to fund the environmental management function, which includes waste management.

5.2.8.3 Management and operations of landfill sites

- The municipalities raised challenges of landfill sites that are not following licence conditions and attributed it to a lack of human capacity for their operations and budget to fund the upgrades of landfill sites infrastructures.
- All landfill sites should be licensed and operate within the prescript of the licence conditions. The sector needs to assist municipalities to improve on the compliance of landfill sites.
- Proposals were made regarding MIG allocation in the procurement of yellow fleets (tipper trucks, compactor trucks, skips, and front loaders) as it will help in managing the air space at landfill sites.

- Separation of waste at source is a technique that municipalities can use to address the challenges of air space in landfill sites.
- Municipalities that are still using the old landfill site permits (ECA) are recommended to convert such into current waste licences.

5.2.8.4 Compliance monitoring and enforcement

- Municipalities' facilities are not compliant with the licence conditions of their infrastructures, such as landfill site and transfer stations and, as such, they breached the requirement to comply with legislative conditions.
- The lack of human capacity to address compliance and conduct enforcement activities contribute to municipalities not adhering to compliance requirements.
- The Portfolio Committee on Environment recommended that there be dedicated environmental courts as the main courts cannot deal with environmental cases immediately (for instance, an environmental tribunal).
- Municipalities are encouraged to allocate enough budget to build compliance and enforcement capacity.
- Ensure IGR seating quarterly to monitor landfill sites.

5.2.8.5 Illegal dumping and littering

- Since illegal dumping occurs on open spaces, it is critical to prioritise open space management.



5.2.8.7 Educational awareness and campaigns

- Municipalities must develop educational awareness and campaigns programmes to improve the communication of waste management strategies to communities.
- Municipal waste officials must be trained to be able to aid with educational awareness and campaigns programmes.
- Budget allocation for waste management must also be inclusive of funds for educational awareness and campaigns.

- Inconsistent waste collection services by municipalities contribute to illegal dumping and littering in communities.
- Household back-dwellers are mostly not accounted for, in-tariffs for waste collections also contribute to the waste build up, which results in illegal dumping in most towns. It was proposed that municipalities work with the housing section in their administration to address the issues of households with back-dwellers by recalculating their tariffs and improving the waste collection services in such areas.

5.2.8.6 Waste revenue collection

- Revenue collection – revisit costing model.
- Revenue generation from rural areas is difficult due to the high number indigent households.
- Municipalities must be assisted with developing tariff systems that will assist in revenue collection for waste services and consider new town development to be included in the revenue collection related to waste management services.
- Government facilities that are not paying waste service rates are negatively affecting municipalities' revenue collection compromising service delivery objectives for such municipalities.

5.2.8.8 Municipal Infrastructure Grant

- MIG allocation should be specific in terms of the percentage for municipal function. Metros are also eligible to access MIG for yellow feet.
- The DFFE is working on a case study to revise the MIG Allocation Policy to accommodate specification in terms of allocation, which involves waste management and other environmental management functions.

5.2.8.9 Capacity building for waste management services administration

- Taking services to rural communities is a massive challenge for municipalities, considering the settlement pattern of most rural areas and access.
- Municipalities must take advantage of the opportunities of EPR to access funding to improve separation at source.
- Municipalities must budget for environmental functions, including waste management.
- The sector must develop programmes to support municipalities with development/review and more importantly the enforcement of by-laws.
- Municipalities proposed continued training (especially on NEMWA and NWMS) for municipal officials to build capacity in service delivery objectives for waste services and to improve waste management techniques.
- Municipalities must explore waste to energy and industrial symbiosis initiatives. Municipalities must prioritise waste reporting in the South African Waste Information System.

Extrupet plastic recycling plant in Cape Town.
Image: Inès Magoum.



Shisalanga Construction launched a project to build a road using recycled plastic waste. Image: Jean Marie Takouleu.



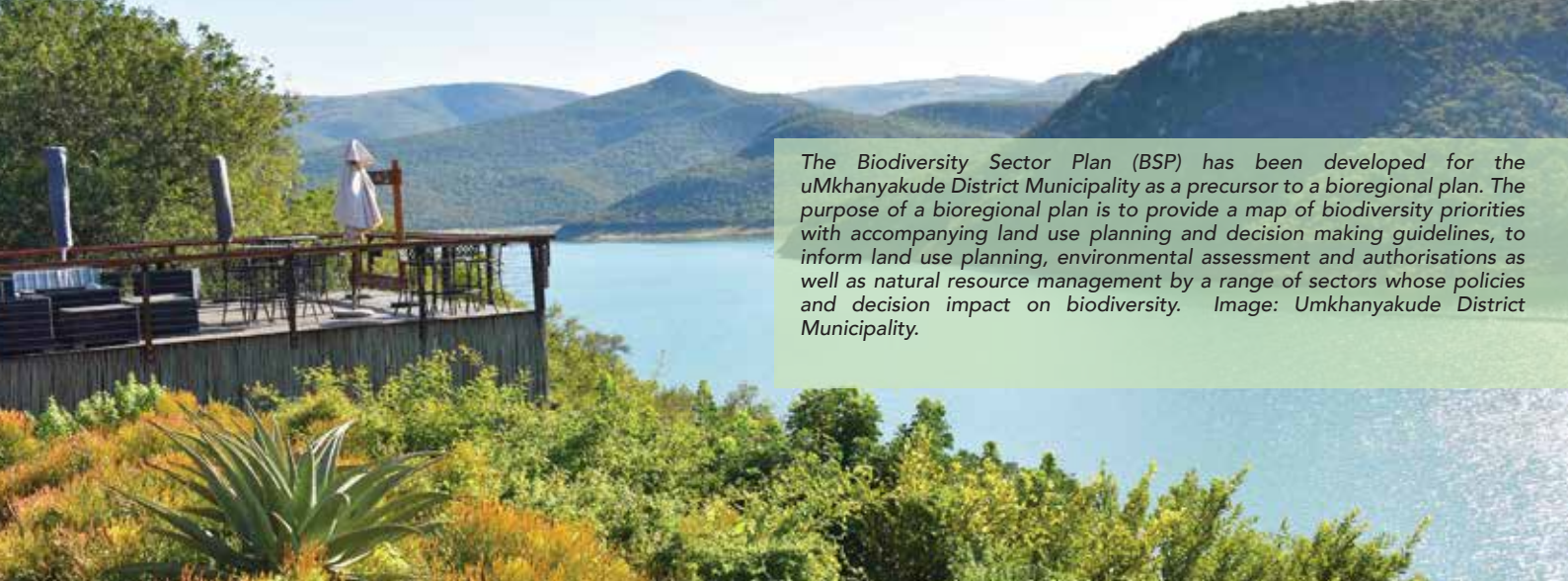
Green Deeds Recycling's buy-Back Centre in Waltloo, Pretoria. Image: FMSA Waste Management & Recycling.



The Waste Management Commission concluded with programme actions (with key results areas, activities and the roles and responsibilities of relevant institutions) that need to be undertaken to improve the performance in the sector. The table is presented below.

Table 2: Waste Management Programme of Action

Key Result Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> EPR is key in dealing with waste management. The country should upscale the waste to energy to maximise the waste resource. Open space management should be prioritised to minimise the mushrooming of illegal dumping spots. Municipalities should upscale separation at source to improve waste minimisation. As part of best practices, municipalities are encouraged to develop an 'Adopt a Spot' policy to address open space management issues. There are few municipalities with a such a policy and it is assisting a lot in addressing the illegal dumping of waste on municipal open spaces. 	Municipalities, DFFE, provinces, SALGA
Sector Planning	<ul style="list-style-type: none"> Facilitate the development/review of IWMPs and ensure they are integrated into IDPs. This can even be done internally using the DFFE guidelines and portal. Gazette waste by-laws for compliance monitoring and enforcement. Realign the designation of WMOs. 	Municipalities
Governance	<ul style="list-style-type: none"> Ensure that organisational structures are in place within municipalities. Appoint qualified and competent officials responsible for waste management and other related environmental management functions within municipalities. Ensure training of municipal officials working in the waste sections on NEMA, NEMWA and NWMS. 	Municipalities
Advocacy	<ul style="list-style-type: none"> Commitment on cleaning standards and cleanliness levels by the municipalities. Reviving the clean cities campaign and related cleaning campaigns. Upscaling the implementation of the GGD, which is focused on eliminating littering and illegal dumping. Implementation of community-based cleaning models. Partnerships with businesses for cleaning in urban centres (in other words, the Witzenberg Model). 	Municipalities, communities, provinces, SALGA, DFFE
Infrastructure	<ul style="list-style-type: none"> Maintenance of existing waste infrastructure assets and the development of waste infrastructure. Building capacity for project preparation, fund raising, development and operation of complex waste infrastructure projects (in other words, waste to energy). 	Municipalities, MISA, ISA, SALGA, DFFE
Financing	<ul style="list-style-type: none"> Budget commitment from municipalities for waste management services. Municipalities to use the revised MIG Framework to procure waste specialised vehicles and yellow fleet for waste collection services. Improvement on landfill site management and operations using MIG to procure waste management equipment. 	Treasury, COGTA, municipalities



The Biodiversity Sector Plan (BSP) has been developed for the uMkhanyakude District Municipality as a precursor to a bioregional plan. The purpose of a bioregional plan is to provide a map of biodiversity priorities with accompanying land use planning and decision making guidelines, to inform land use planning, environmental assessment and authorisations as well as natural resource management by a range of sectors whose policies and decision impact on biodiversity. Image: Umkhanyakude District Municipality.

5.3 Biodiversity and Conservation

B&C functions are the least performed functions in South African municipalities owing to the belief by municipalities that the mandate of performing B&C functions does not lie within the local government sphere. The metropolitan municipalities are, however, performing these functions with few LMs doing the same.

The NEMPAA provides for the conservation of biodiversity and ecologically viable areas representative of South Africa's biological diversity and its natural landscapes, and further promotes the declaration and management of protected areas by any organ of state. In terms of NEMBA, any person, organisation or organ of state desiring to contribute to diversity management may submit to the Minister for his or her approval for the development of a Biodiversity Management Plan (BMP). The BMP must be consistent with any municipal IDP and provides for the eradication of alien and invasive species from ecosystems and habitats where they may harm such ecosystems or habitats. The following key B&C issues were discussed at the LGEI:

5.3.1 Benefits of Biodiversity and Conservation

Biodiversity provides food, clean water, medicine and materials. It supports agricultural and fisheries production, and helps protect us from natural hazards such as floods and droughts, as well as providing the basis of a vibrant tourism industry while offering natural spaces for recreational and cultural activities.

5.3.2 National Biodiversity Assessment

The National Biodiversity Assessment is focused on the status of ecosystems, threats and protection

of species within the natural ecosystem, which includes the terrestrial, river, wetland, marine, estuarine, coastal and sub-Antarctica ecosystems.

5.3.3 Structure of the Global Biodiversity Framework

The Global Biodiversity Framework (GBF) articulates the enabling conditions and means of implementation of targets that are focused on reducing the threats of B&C and people's needs. To achieve the objective of biodiversity protection and conservation requires transparency in relation to planning, reporting and reviewing strategies and policies that play a role in the protection of B&C.

5.3.4 Activities at national, provincial and local levels

The commission also looked at activities that the three spheres of government are doing to foster sustainability in the management of B&C:

- Development and implementation of biodiversity strategies and action plans;
- Collaboration between levels of government, and mainstreaming; Resource mobilisation; Capacity development; Communication, education and public awareness; Assessment and improved information for decision-making; and
- Monitoring and reporting, among others.

5.3.5 Conservation and sustainable use of biodiversity

The White Paper on Conservation and Sustainable Use of South Africa's Biodiversity was developed to promote the conservation of the rich biodiversity and ecological infrastructure that supports ecosystem functioning for livelihoods and the well-being of people and nature. The objective of the

conservation and sustainable use of biodiversity is to integrate and mainstream the conservation and sustainable use of biodiversity into all sectoral and cross-sectoral work across government and sectors of society. The white paper is focused on the following goals to conserve and sustain the use of biodiversity:

- Enhance B&C;
- Equitable access and benefit sharing; and
- Transformed biodiversity conservation and sustainability.

5.3.6 Implementation challenges

- A lack of understanding the mandate in terms of B&C; therefore, most municipalities do not perform B&C functions; A lack of human resources to perform B&C functions;
- Financial constraints – inadequate budget; and
- Institutional arrangements – DMs and LMs.

5.3.7 Local government interventions

- Clarifying the B&C functions that need to be undertaken by different categories of municipalities.
- Emphasises the need for local government to promote a safe and healthy environment, and deliver services in a manner that is environmentally sustainable.
- Recognises local government as an important enabler of biodiversity conservation through municipal land use planning.
- Requires municipalities to enact by-laws to fulfil their environmental mandates.
- Requires that municipalities consider biodiversity conservation and other environmental factors through spatial planning instruments (for example, Spatial Development Framework [SDF]) and land use schemes.
- Recognises the role of local government in supporting provincial and national organs of state to implement initiatives to conserve and use biodiversity.

5.3.8 National government interventions to address these challenges

- The DFFE provides support to all municipalities; Sectoral contributions to various B&C projects/programmes, plans and policies; Resource mobilisation through international partnerships (South African–

European Union, ICLEI, Global Environment Facility, Biodiversity Finance Initiative); and

- Consideration of NEMBA amendments, such as IBPs.

5.3.9 Case study: Mogale City Local Municipality Biodiversity and Conservation – Good practices

Case studies focused on the good practices of the Mogale City Local Municipality (MCLM) fall within priority areas identified in the National Spatial Biodiversity Assessment. Moreover, MCLM is a home to a high percentage of rare and threatened ecosystems/species.

The municipality has a high proportion of mining activities, heavy industry, commercial enterprise. The large urban population applies pressure on the natural ecosystems. Opportunities for conservation of biodiversity are limited in this protected area. There are at least 12 threatened plant species and 20 threatened animal species in MCLM and eight vegetation types are listed as threatened under the provisions of NEMBA. Aquatic systems are also under pressure in the bioregion; 83% of wetland types and 33% of river types in the municipality are listed as threatened.

Walter Sisulu National Botanical Garden is home to an abundance of wildlife with about 240 bird species recorded on site. The garden is situated between the two municipalities namely Mogale Local Municipality and City of Joburg. Image: South African National Biodiversity Institute (SANBI).



Just under two thirds of MCLM is in a natural or near natural state (63%), with urbanisation (6%), agriculture (28%) and mining (3%), together covering 37% of the municipality. Critical biodiversity areas (CBAs) cover 27,5%; with CBA 1 (natural or near natural state) covering 27% and CBA 2 (cultivated landscapes that retain importance for threatened species) covering 0,5%. Ecological support areas (ESAs) cover a further 19% of the city, with ESA 1 (natural, near natural or degraded state) covering 13% and ESA 2 (transformed landscapes that retain importance for ecosystem processes) covering 6%.

Mogale City biodiversity gaps and challenges have been mainstreamed into IDPs. Mainstreaming is key in budgeting for the issues identified above, which will result in conservation of natural resources, land use management, socio economic development and job creation.

The following Alien Invasive Plant Eradication programmes have been operational within the jurisdiction of MCLM:

- Gauteng Department of Agriculture and Rural Development (GDARD) (with Rand Water as the Implementing Agent);
- Working-for-Water (with IDT as the Implementing Agent);
- Working-for-Water (Cradle of Humankind) – DFFE;
- Working-for-Water (Magalies and Hekpoort) – DFFE; and
- Various private initiatives (for example, Kenmare Kloof).

5.3.9.1 Environmental Education Policy

Adopt-a-Spot (community based) Linked with Environmental Education Policy for MCLM:

- To identify, develop and equip natural areas and open spaces for the utilisation of the “outdoor classroom” concept.



- Private sector: (a) The utilisation of privately owned resources by institutions for formal education will be strongly encouraged (in other words, the Krugersdorp Game Reserve, the Kingkloof Natural Heritage Site, the Hartebeesfontein Conservancy, and the Magaliesberg Protected Natural Environment).
- (b) an effort will be made to ensure the long-term viability of environmental education initiatives through direct or indirect support for approved programmes of voluntary conservation bodies.

5.3.9.2 Urban Conservation and Biodiversity Stewardship (Department of Forestry, Fisheries and the Environment; Gauteng Department of Agriculture and Rural Development; EWT)

Top service delivery priorities include the following:

- To provide biodiversity inputs in all relevant land use applications; To ensure compliance with relevant statutory requirements related to B&C management by means of inspections, compliance and monitoring; and
- Open space development in respect of sustainable urban drainage systems; introduction/maintenance of green infrastructure and ecological infrastructure (all of which are adaption and mitigation measure in terms of MCLM's Climate Change Action Plan).

5.3.9.3 Challenges

- Biodiversity EMLs from MCLM are first on crime scenes (rhinoceros poaching, lion poisonings, other wildlife crimes) and many cases are lost due to contaminated forensic evidence and compromised crime scenes caused by undercapacitated officials of the South African Police Service.
- The lack of law reform to allocate a clear and unambiguous legal mandate for compliance monitoring and enforcement within the Green Subsector are hampering/jeopardising the works done by designated EMLs.
- The constitutional mandate is clear, but legislation is still seen as “handcuffing” EMLs in performing their duties and functions.

eThekweni Metropolitan Municipality's Adopt a Spot and Adopt a Verge Campaigns are processes where residents can approach the city to adopt a piece of land owned by the municipality with the purpose of maintaining and beautifying it at no cost to the city. Image: eThekweni Metropolitan Municipality.

5.3.9.4 Legislation recommendation and challenges

- In terms of biodiversity planning and monitoring, bioregions and bioregional plans are provided for in terms of section 40 of NEMBA.
- The development and review of existing by-laws related to Biodiversity and Water Resources is required.
- Development of Norms and Standards and Biodiversity Planning and Monitoring are crucial to administer biodiversity implementation.
- The EMLs at local government need to be increased (on the Green Subsector) to achieve the goals (in other words, to monitor and enforce Norms and Standards, and conduct planning and monitoring).
- The national and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5, which necessarily relates to local government amendment of NEMBA to clarify local government roles and responsibilities, and functions that can inform the budget.
- Compliance and enforcement: Biodiversity EMLs' functions clarified at local government level.
- For MCLM EMLs to issue the relevant permits under the Gauteng Nature Conservation Ordinances and monitor compliance thereof.

5.3.9.5 Communication

- Simplify communication on biodiversity technical complexity to decision makers.
- Capacitate municipalities to manage their own affairs, to exercise and perform their powers and functions.

5.3.9.6 Mainstreaming of biodiversity in Integrated Development Plans

Mainstreaming biodiversity in municipal planning through a Biodiversity Toolkit will assist in budgeting for issues identified, which will result in the conservation of natural resources, land use management, socio-economic development and job creation.

- Standardisation of municipal biodiversity model by-laws, which will provide guidance for local government.
- Use the biodiversity IDP toolkit to ensure the mainstreaming of biodiversity issues in the IDP.

- Prioritise the development and review of the Biodiversity Sector Plan.
- Ensure that SDF plans are utilised for land use decision-making in the absence of the Biodiversity Sector Plan.

5.3.9.7 Human and financial resource capacity

- All three spheres of government must be involved in coordination and implementation of B&C responsibilities to ensure that NEMBA is applied consistently throughout the country.
- Make allocation of the relevant human capacity and financial resources.

5.3.9.8 District Development Model

- To avoid working in silos, the District Development Model (DDM) must be used as a platform to advocate for biodiversity management functions.

5.3.10 Biodiversity and Conservation Commission: Discussions and recommendations

5.3.10.1 Bioregional Plan

The development of Biodiversity Sector Plans (Bioregional Plan and by-laws) in municipalities remains a challenge. Most municipalities do not prioritise (B&C functions). The National Biodiversity Assessment provides the baseline information on the status of species and ecosystems in SA, which guides the frameworks, policies and decision-making in the B&C sector. The White Paper on the Conservation and Sustainable Use of Biodiversity in SA, its aim, goals and links to local government role and potential interventions. Effective biodiversity conservation at the local level requires the development and implementation of long-term biodiversity strategies and policies that include biodiversity by-laws that address all elements of local level planning, infrastructure development, service provision, procurement and management.

5.3.10.2 Open Space Management Plan

The effective engagement of local communities in open space management and the provision of recreational, horticultural and eco-tourism services enhance socio-economic opportunities, while strengthening the capacity for management of biodiversity assets. To achieve this, municipalities must develop Open Space Management Plans where the strategies will outline the roles and responsibilities in managing open spaces and conduct compliance monitoring and enforcement in terms of biodiversity by-laws.

5.3.10.3 Alien invasive species eradication plans

The Bioregional Plan developed in terms of NEMBA must provide provision that the district and LMs must develop Alien Invasive Eradication Plans. These plans assist municipalities in managing alien invasive spaces that are usually not indigenous in various areas of the municipalities. The effect of the alien invasive species is severe as they usually compete with indigenous species for food, water, habitat, etc. It must be noted that the majority of municipalities in South Africa do not have control plans to eradicate alien invasive species, which is a challenge that requires special attention.

5.3.10.4 Capacity building and educational awareness campaigns

Most district and LMs do not perform the function of B&C due to a lack of capacity that is able to – coordinate biodiversity programmes;

- develop biodiversity sector plans;
- motivate for the budget allocation for biodiversity functions; and
- incorporate biodiversity performance functions into the IDP of municipalities.

Workshop training sessions are required to equip municipalities with the capacity to perform B&C function and to be able to coordinate educational awareness and campaigns in B&C performance areas.

5.3.10.5 Biodiversity and Conservation funding

Municipalities are required to develop biodiversity sector plans, by-laws, open space management plans and alien invasive species eradication plans. However, due to budgetary constraints, there is a lack of capacity in terms of human resources, tools and the maintenance of biodiversity infrastructure (nature reserves).

5.3.10.6 Biodiversity and Conservation challenges

The following are challenges that municipalities are facing with respect to performing B&C functions:

- A lack of budget allocation to finance B&C functions; Misunderstanding of NEMBA in relation to the mandate to perform the B&C function at the local level; A lack of sector plans,

such as bioregional plans, control plans, open space management plans, and by-laws; A lack of political will for municipalities to perform the functions; and

- Limited biodiversity programme implementation in municipal spaces.

5.3.11 Biodiversity and Conservation interventions

- Water and Wetlands programmes are currently implemented in the municipalities.
- Rehabilitation of land degradation and desertification.
- Encourage the stewardship programme for ecosystem conservation.
- Transformation on biodiversity economy, biodiversity financing and resource mobilisation.
- Develop IDP Biodiversity Toolkit.
- Mainstream biodiversity in land use and spatial planning and advance the implementation of the 2015-2025 National Biodiversity Strategy and Action Plan, and Kunming Montreal GBF.
- Support sustainability and offer ecosystem services that municipalities can use to provide basic services and urban infrastructure to enhance urban resilience and promote health and wellbeing.

The National Wetlands Indaba was held on 23 - 26 October 2023, ATKV Buffelspoort, North West Province. This annual event is intended to provide a platform for a cross-disciplinary gathering of practitioners involved with the conservation and sustainable utilisation of South Africa's wetland resources. Image: Eric Munzhedzi.



The B&C Commission concluded with a programme of actions (with key results areas, activities and roles and responsibilities of the relevant institutions) that need to be undertaken to improve performance in the sector. The table is presented below.

Table 3: Biodiversity Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> NEMBA and NEMPAA should clarify the roles of all three categories of municipalities in B&C. Alignment of the legislative requirements of all NEMA/SEMAS to improve municipal compliance and performance. Establish an Integrated Biodiversity Plan (IBP) that incorporates all environmental regulations and important attributes of biodiversity that should be considered within a municipal area and included in environmental sector plans. Develop Norms and Standards for Biodiversity Planning and Monitoring in Municipalities. 	DFFE
Sector Planning	<ul style="list-style-type: none"> Develop a standard biodiversity model by-law which municipalities can use to develop by-laws in-house without the use of consultants. Review the Mainstreaming Biodiversity into the Local Government Framework and its Implementation Plan, and ensure alignment with the Biodiversity IDP Toolkit. Municipalities to prioritise the development of Biodiversity Sector Plans. Technical support from the sector is required by the municipalities that own conservation areas/nature reserves. 	DFFE, provinces, municipalities
Governance	<ul style="list-style-type: none"> Adequately capacitate officials for their role in the general management of biodiversity relating to legal compliance and enforcement. Integrate traditional leadership and NGOs in biodiversity planning at the local level. Support biodiversity conservation awareness-raising campaigns on a community level. The DDM must be used as a platform to advocate for biodiversity management functions. 	DFFE, provinces
Financing	<ul style="list-style-type: none"> Fiscal framework for funding environmental management needs to be reviewed and budget allocation ensured, which also caters for biodiversity. 	DFFE, Treasury, COGTA, SALGA

5.3.12 Climate Change

The NCCB is proposed to provide for the coordinated and integrated response to climate change, and impacts by all members of the public and the spheres of government in accordance with the principles of cooperative governance. The presentation touched on climate change adaptation and mitigation projects that the DFFE has undertaken in various district municipalities. Local government, through SALGA, must initiate and facilitate the development of the municipal components of the National Climate Change Response Policy, undertaking vulnerability and risk assessments, and ensuring integration of climate

adaptation and mitigation actions into IDPs. The presentation on the plenary and commissions on climate changes addressed the following key issues:

5.3.13 Legislative and policy clarity/alignment

Policy and implementation should be aligned for resource mobilisation. Climate change initiatives can be realised through cooperation within three spheres of government and other stakeholders in building resilience and adaptive capacity to deal with climate change issues and challenges.

Documentation of lessons in project implementation is important to enhance learning for more effective performance and interventions that are aimed at local government. The fiscal framework needs to be explicit in the flow of funds for climate-resilient municipal infrastructure and grant (capital, skills, etc.) conditions must embed environmental and climate requirements.

5.3.14 Localised implementation of climate change programmes

The local government sphere is the starting point where there is a need to reignite 'patriotism' in addressing societal challenges, including climate change, particularly in building skills and education. The localised implementation of climate change programmes should focus on regulatory enablers instead of impediments. The success of the localised implementation of climate change programmes where it involves policy and

strategy development must be inclusive of local government needs, experiences and successes.

5.3.15 Funding the Local Government Climate Response

Climate change is an unfunded mandate in municipalities in South Africa, which is the challenge that municipalities are faced with with regards to funding climate change programmes. Climate change response projects in South Africa are donor funded embedded in bilateral/multilateral agreements (these include the Green Climate Fund, Flanders, and Adaptation Fund). Existing modalities do not allow municipalities to access funding directly as they are currently coordinated through the Presidential Commission Committee. There is a need to make funding more accessible and less cumbersome for municipalities. Currently, a lot of time, capacity and resources are required to obtain funding that is not guaranteed, for example, loans vs grant funding.



5.3.16 Just Energy Transition

Whose agenda are we serving anyway? Impacts of the socio-economic consequences of Just Energy Transition (JET) play out first in municipalities (some actions including debt write-off, social implications, etc.) not featured in the macro-level JET Planning and Investment Framework.

JET presents risk of being counterproductive into how municipalities generate revenue through utilities, which can be extended to mining towns as they provide employment not only in terms of mining, but the service industry – formal and informal. How can the DFFE support municipalities on the fallout of JET, especially those sectors that are affected by mining and energy generation?

5.3.17 Development of Climate Change Response Plans/Strategies

When signed into law, the NCCB will require municipalities to develop Climate Change Response Strategies (CCRSs), which will guide the implementation of climate change programmes in local government. The CCRS serve the key driver by establishing the vision towards a low carbon and climate resilient society. Municipalities must develop and review CCRS where they are outdated. However, most of the municipalities in South Africa have not developed CCRS, which is a challenge as it will be difficult for those municipalities to factor and mainstream climate change in their development initiative and planning.

5.3.18 Mainstreaming Climate Change into the District Development Model

For national government to implement climate change policy within local government effectively, there is a need to consider the DDM as an excellent platform to mainstream climate change into development planning within the local government sphere. The National Climate Change Response Plan has been the key policy driver through its vision towards a low carbon and climate-resilient society. The integration of a climate change adaptation project and mitigation projects into the local government sphere serves to encourage coordination in the implementation of climate change programmes to improve municipalities' performance for the benefit of communities through socio-economic development into sectors that are objective to protect the environment and its people from the devastating impact of climate change as effect to environmental degradation and disturbance of the everyday lives of communities.

For municipalities to respond to climate change devastations, the Let's Respond Toolkit (Local Government Climate Change Strategy/Plan) resulted in the development of district level climate change response plans with further training on climate change finance training and development of project proposals for municipalities to adapt with climate change causes. To prepare municipalities to address the cost effect of climate change, mitigation projects using tools such as the National Employment Vulnerability Assessment (NEVA) to determine how municipalities are dealing with the impact of climate change on employment vulnerability, transitional sectors or communities such as mining, agriculture, etc., and to create business cases for each sector under the Sector Job Resilience Plan using the Mpumalanga province as a pilot.

5.3.20 Climate Change Mitigation programme

One of the climate mitigation programmes being implemented is NEVA and sector job resilience plans (SJRP), which is a detailed analysis of the capacity of vulnerable communities, workers and businesses to adjust to climate change-related impacts with an objective of developing programmatic response. The effective implementation of the SJRP requires an understanding of community needs and what they want as outcomes from just transition. The DFFE is still seeking possible partnerships that would support the implementation of SJRP. Through funding from the United Kingdom Partnering for Accelerated Climate Transitions, there is currently work being undertaken by the

Council for Science and Industrial Research who has developed business cases for sector job resilience planning in support of just transition in the Mpumalanga province. The Deutsche Gesellschaft für Internationale Zusammenarbeit is also one of the identified possible funders for the Social Responsibility programme and project.

5.3.21 Case Study: Cities Adapt Project – KwaZulu-Natal City of Umhlathuze – Umzingwenya

The objective of the project is to implement a concrete/demonstration of urban climate change adaptation aimed at building resilience in the City of Umhlathuze. This will also assist to usher in capacity building and create a participatory community. The Climate Change adaptation projects that are implemented in three district municipalities, namely the Amathole District, Garden Route District and Umzinyathi District, are selected through a vigorous process of the screening, review and analysis of Climate Change Adaptation strategies to determine the most vulnerable district municipalities. These projects are implemented through the Climate Adaptive Capacity Facility Human Settlement programme, which is aimed at considering strategies for climate change and choosing implementable goals from the district municipalities. Co-creation workshops were conducted and interventions determined for implementation by the district municipalities. The project implementation is focused on specific selected thematic areas that the municipalities chose to prioritise as interventions over a period of three years.

5.3.22 Climate Change Commission – Discussion and recommendations

This section elaborates on questions and answers that include inputs and comments on the presentation to delegates attending the LGEI. The focus of Commission One was on climate change. However, the question-and-answer sessions with inputs and comments analysis will list all the issues of the questions and responses that were addressed by delegates in the LGEI. These issues include the following:

5.3.22.1 Climate change funding

The delegates raised the question of climate change as an unfunded mandate in municipalities, which puts municipalities in distress when they must implement policies that are aimed at mitigation and adaptation to the challenges caused by climate change.

The funding model available, especially from donors, is considered unsustainable to implement climate change programmes that are aimed at addressing challenges caused by climate change in the local government sphere. Existing modalities do not allow municipalities to access funding and there is need to make funding more accessible and less cumbersome for municipalities to work with. Currently, there is a lot of time, capacity and resources required to obtain funding that are not guaranteed, such as loans and grants. However, the NCCB in its current form has mechanisms to address such a challenge as funding mechanisms are contained in it and, as such, once the Bill is signed into the Climate Change Act, it will create a platform to develop regulations, frameworks and climate change strategies that accommodate climate change funding models to address the current challenge of funding climate change programmes in the local government sphere.

5.3.22.2 Mainstreaming climate change into sector plans

There is a need for municipalities to mainstream climate change into their development planning tools and policies, so that they can adapt to the changes that come with climate change and develop mitigation programmes that will make municipalities cope with climate change impacts. To achieve such objectives, municipalities should review some of the regulations that can hinder the implementation of policies or response plans to address causes of climate change. This can be achieved where there is political and administration will accommodate the changes brought up by climate change in the local government sphere.

5.3.22.3 Educational awareness and campaigns

Educational awareness and campaigns can play a role in adaptation and resilience, especially by creating a sustainable environment to build capacity and develop a solution-orientated environment to deal with climate change among decision makers and the public at large. The educational awareness and campaigns can also assist in convincing communities to take part in addressing the climate change issues.

5.3.22.4 Just Energy Transition

Programmes that are aimed at addressing climate change as JET are being viewed as problematic, especially in the Mpumalanga region where energy production from fossil fuels are constrained in South Africa. Communities are raising objections regarding JET initiatives as they fear that employment security with regards to coal mines and the decommissioning of coal power stations will cause the exodus of job bleeding and create a situation where the livelihood of people that depends on such industries will be affected by such initiatives. The proper coordination of JET initiatives must be clearly emphasised to build cohesion and promote transition to green energy development that is considered a solution in resolving climate change challenges in the region.

5.3.22.5 Capacity building

Municipalities have raised a concern about the lack of capacity and skills to deal with climate change challenges where most of the requested assistance with training and development enables the local government sphere to address climate change issues and challenges. Since climate change is an unfunded mandate, with there being a need to integrate climate change capacity into the municipal structure, which will lead to the recruitment of capable officials with skills to address climate change challenges in municipalities. A funding mechanism for the climate change function needs to be prioritised in planning climate change programmes.



Municipalities should review some of the regulations that can hinder the implementation of policies or response plans to address causes of climate change. This can be achieved where there is political and administration will accommodate the changes brought up by climate change in the local government sphere.



The Climate Change Commission concluded with programme actions (with key result areas, activities and roles and responsibilities of the relevant institutions) that need to be undertaken to improve the performance in the sector. The table is presented below.

Table 4: Climate Change Programme of Action

Key Result Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Legislation should allow climate change response plans to be developed at a district level with the participation of LMs, with chapters zooming into the LMs, then LMs should adopt the district-developed climate change response plans. Review legislation to be clear and not be too stringent, especially in funding or financing climate change programmes. 	DFFE
Sector Planning	<ul style="list-style-type: none"> Municipalities need to develop their climate change response plans, adopt them in Council and ensure their integration with municipal sector plans and IDPs. 	Municipalities
Governance	<ul style="list-style-type: none"> Improve the communication and stakeholder engagement mechanism to deal with JET initiatives in the affected regions. There is a need for proper feedback, reporting and structured follow-ups on resolutions agreed on climate change programmes. Cooperation within the three spheres of government with local government being the implementing agent of climate change programmes. Build municipal capacity (institutional and individual) to address climate change challenges and implement climate change municipal initiatives and programmes. 	DFFE, SALGA, municipalities, provinces
Financing	<ul style="list-style-type: none"> Review the funding model of municipalities to consider climate change funding being mandatory. Ensure that municipalities benefit from the Climate Change Finance Framework that is being discussed at the national level. Ensure that the Just Transition funding that the country is receiving also benefits municipalities. Factor in climate change into procurement to insist on climate-friendly services. 	Treasury, DFFE, provinces

5.4 Coastal management

NEMCMA has been promulgated to establish the statutory requirements for integrated coastal and estuarine management in South Africa. NEMCMA also prescribes the inclusion of norms, standards and policies for further elaboration and guidance on coastal management provisions within legislation and specific scenarios or issues. One of the many reasons for the adoption of this form of management is to promote the conservation of the coastal environment and to maintain the natural character of coastal landscapes. The White Paper was developed proactively and in line with international calls to ensure the optimal utilisation of our coast, while at the same time preserving ecosystems and not putting people and property at risk. Section 156(1) of the Constitution of the Republic of South Africa, 1996, confers on a municipality the Executive Authority and right to

administer (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution of the Republic of South Africa, 1996; (b) and any other matter assigned to it by national or provincial legislation. The presentation on the LGEI deliberated on the following:

5.4.1 Key issues on Integrated Coastal Management

The Commission's presentation deliberated on the key issues that are affecting integrated coastal management, which includes the facilitation of coastal access, illegal development along the coast, and marine pollution. Other significant issues that are affecting coastal land are beach loss, erosion, infrastructure damage, storm tides and inundation. Injustices also prohibit the public to coastal land where private individual intent on access blockages and enlist development by encroachment of State land and sand mining along the coast.

5.4.2 Integrated Coastal Management programme

Section 48 of ICMA states that (1)(a) a coastal municipality must, within four years of the commencement of this Act, prepare and adopt a municipal Coastal Management programme (CMP) for managing the coastal zone or specific parts of the coastal zone in the municipality. Municipalities must take responsibility for the drafting of the CMP, as prescribed. The implementation of the CMP will require various role-players to achieve desired outcomes, giving effect to integrated coastal management. Participation and effective implementation will be based on the availability of capacity and resources.

Municipalities must also develop coastal management by-laws to provide for measures to manage and protect the coastal zone, align development within NEMCMA, protect the objects of NEMCMA, protect the natural environment of the coastal zone, manage public access to the coastal zone, establish the Municipal Coastal Committee, give effect to the municipal CMP, and provide for matters connected therewith.

5.4.3 Coastal access

Municipalities with access to the coast in terms of NEMCMA must enable coastal access and ensure that the public can gain access to coastal public property via the public access servitudes in perpetuity. All municipalities with coastal public property must declare these servitudes within four years of the establishment of NEMCMA. To secure public access to coastal public property, NEMCMA requires municipalities to designate coastal access land.

5.4.4 Municipal Coastal Committee

The municipality must establish a Municipal Coastal Committee that will be responsible for coastal management. However, most coastal municipalities in the coastal provinces do not have municipal coastal committees.

5.4.5 Integrated Coastal Management challenges

- A lack of written agreements between local and district municipalities for the shared implementation of NEMCMA responsibilities in the LM; A lack of compliance and enforcement; Unlawfully constructed access; Illegal construction; Illegal off-road vehicles (ORV); and
- Extending gardens into public properties (encroachment into coastal public properties).

5.4.6 Coastal Management Sector plan interventions

- Development and review of CMP which is aligned with the provincial and national programme, which would help them find resources.
- SDF endorsed and in line with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA) (municipal SDF must incorporate coastal risk data and information to avoid user conflicts on development).
- Coastal planning to resolve sand mining issues.
- SDFs adequately accounting for the need for public coastal spaces, as well as balancing the allocation of low and middle income coastal residential development with more upscale coastal development.
- Development and review of Estuary Management Plans.
- Development of Coastal Regulations for monitoring compliance and enforcement.
- Facilitate coastal access.
- Adjustment of coastal boundaries for coastal access (municipality must create public access land through SPLUMA).
- Develop coastal management by-laws.
- Coastal Planning Scheme (integration into the SDF and Land Use Management Scheme).
- Municipalities without the resources to develop a CMP can align coastal management to their IDP.

5.4.7 Case study: Kwadukuza Local Municipality – best practice

The municipality prioritised coastal management and decided to manage it at a local level rather than at a district level. They identified access as an important pillar due to the communities residing along the coast. Rapid development occurs along the coastline, for example, Ballito, Zimbali resorts reside on the coast. The municipality realised that there is coastal development pressure hindering coastal access. The municipality's vision is to have an inclusive innovation to ensure that issues of coastal access are addressed to improve tourism and manage the coast effectively. The Kwadukuza Local Municipality has a Memorandum of Understanding with the iLembe DM for the municipality to deal with coastal management.

5.4.7.1 Initiatives that the Kwadukuza District Municipality have done include the following:

- Developed a CMP which is currently being reviewed; Undertook issues of risk and vulnerability on the coast and at estuaries;
- Developed the Zinkwazi Estuary Management Plan; The SDF of the Kwadukuza Local Municipality points out areas of coastal access; Identified areas of tourist attraction as they have Blue Flag beaches that help boost their tourism; Established a Coastal Awareness and Clean-Up programme; Have explored building smart cities near the district that are poor to help them elevate.

5.4.7.2 Challenges

The initiatives that the municipality implemented have the following challenges:

- A lack of public coastal access; Coastal developments threatened by sea-level rise;
- Operationally, coastal management sits within local government; however, in terms of planning and implementation of the Act, it is the mandate of only the DM;
- Storm surge and storm tides; Infrastructure damage; Beach loss and erosion; Migration to coastal areas; and
- The municipalities focus on revenue considering development and not the future predicted.

5.4.7.3 Municipal interventions

- Build a municipal structure to address such challenges.
- Environmental Impact Assessment consideration: If you are building a like-for-like structure after disaster, you do not need authorisation.

5.4.8 Integrated Coastal Management – Discussion and recommendations

5.4.8.1 Coastal access

The delegates in the LGEI emphasised the challenge of the high level of threats and bullying from private owners of land within coastal shores. It was suggested that there be mechanisms that are included in the ICM and coast by-laws to manage coastal access where inclusivity of the public to coastal access is realised. Coastal vulnerability

information must be made available to the public to protect the public from issues of pollution that can affect public safety and health, for example, sewage flows. Coastal areas that are managed as protected areas hinder coastal access, which can be addressed by bringing a policy harmonisation between NEMPAA and NEMCMA.

5.4.8.2 Capacity building

There is a challenge of capacity in coastal municipalities to manage coastal access, develop sector plans, coastal by-laws, and establish coastal committees. These challenges must be addressed through the coordination of all role players affected, in other words, the traditional authority along coastal areas, district municipalities, provincial government and national government sector departments. The lack of funding hinders the implementation of interventions along coastal areas, which assists in the management of coastal areas. Oceans and Coasts have been running a training programme to assist municipalities in how to make use of the tools, to identify risk areas and use them to make informed decisions.

5.4.8.3 Coastal Management legislation alignment

LMs with jurisdiction over coastal areas must have a firm understanding of the national and provincial legislative framework that governs coastal management matters. The development and finalisation of the Coastal Management Infrastructure Framework or strategies should be fast-tracked.

5.4.8.4 Shared services

The shared functions between municipalities, the provincial and national sphere of government must be encouraged to improve the performance of municipalities in addressing challenges affecting coastal areas. There is a lack of written agreements between provincial and local government for the shared implementation. These shared services must facilitate sustainability by promoting the following key areas:

- Estuary management;
- Compliance and enforcement;
- Coastal management lines;
- Special management areas; and
- Municipalities, in agreement with the province, can manage the estuary.

5.4.8.5 Coastal Management funding

Municipalities must allocate funding aimed at improving coastal access above the high water mark and the minimisation of adverse impacts on the coastal environment and maintenance of existing coastal infrastructure. As coastal access is a municipal function, municipal budgets must make allowance for funds accordingly.

5.4.8.6 Coastal Management interventions

- The Oceans Economy programme to be linked with coastal municipal instruments (plans, programmes and strategies).
- Support municipalities to develop/review existing CMP (collaboration between the DFFE and SALGA).
- The municipal SDF to incorporate coastal risk data and information to avoid user conflicts on development.
- Facilitation of land–sea interactions to enable integration on coastal spatial planning and marine spatial planning.
- Strengthen capacity and technical support to deal coastal planning, compliance and enforcement at local government to deal with encroachment and illegal development, etc.
- The Source-to-Sea programme to manage upstream pollution that finds its way to the sea.
- Sector support to develop an MOA between local and district municipalities to address coastal management issues.

- Coastal Climate Change Programme: Opportunities for climate finance to support a municipal programme to address coastal risk and vulnerability work.
- A need for a bilateral between the DFFE: Oceans and Coasts and SALGA to support a coastal municipal programme and its implications to ocean's economy opportunities.
- A need for a roadshow and capacity building to advance ICM issues and mandates to traditional authorities for awareness and working relations.
- Facilitation of coastal access via marine protected areas/nature reserves to secure the public to go the beach/including ownership issues.
- Partnership engagements with academia, civil society, NGOs and conventions to support municipal programmes.



Municipalities must allocate funding aimed at improving coastal access above the high water mark. and the minimisation of adverse impacts on the coastal environment and maintenance of existing coastal infrastructure.



An aerial view of the Moonstone mine in Doringbaai. Image: Wikus De Wet.

The Coastal Management Commission concluded with programme actions (with key result areas, activities and roles and responsibilities of the relevant institutions) that need to be undertaken to improve performance in the sector. The table is presented below.

Table 5: Integrated Coast Management Programme of Action

Key Result Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> • Access through protected areas: Harmonisation of legislation and facilitation of coastal access via marine protected areas/ature reserves to secure the public to go the beach/including ownership issues. 	DFFE, provinces
Sector Planning	<ul style="list-style-type: none"> • Coastal access: Municipalities must, in terms of section 18 of NEMCMA, promulgate a by-law that designates coastal access land to secure public access to coastal public property. • Boosting municipal economy: Support coastal municipal programmes and its implications to ocean's economy opportunities. • Encroachment into public property: Strengthen capacity and technical support to deal with coastal planning, compliance, and enforcement at local government level to deal with encroachment, illegal development, etc. • Prevention of source-to-sea pollution *(land-sea interface): Facilitation of land-sea interactions to enable integration on coastal spatial planning and marine spatial planning. 	Municipalities, provinces, DFFE, SALGA
Governance	<ul style="list-style-type: none"> • Capacity building, capacity constraints, beach management and coastal vulnerability: There must be transfer of skills to the local officials and public awareness (integration of coastal and ocean management approach). • Internal arrangements: Fragmented approach in planning: Support municipalities to develop/review the existing CMP. • Provision of technical support: Municipalities that are struggling need to be supported for them to perform optimally in terms of coastal management. • Traditional land management: A need for roadshow and capacity building to advance ICM issues and mandates to traditional authorities for awareness and working relations. 	COGTA, SALGA, DFFE, provinces, DALRRD
Financing	<ul style="list-style-type: none"> • Funding: Coastal Climate Change programme: Opportunities for climate finance to support a municipal programme to address coastal risk and vulnerability work. 	Treasury, DFFE, SALGA

5.5 Compliance and enforcement

The implementation and enforcement of environmental laws and regulations falls short of what is required to address environmental challenges. Laws sometimes lack clear standards or necessary mandates. Others are not tailored to national and local contexts and, therefore, fail to address the conditions on the ground. Implementing ministries are often underfunded and politically weak in comparison to ministries responsible for economic or natural resource development. While many countries are endeavouring to strengthen the implementation of environmental law, a backlash has also occurred as environmental defenders are killed and funding for civil society restricted. These shortfalls are by no means limited to developing

nations, with reviews of developed nations having found their performance on environmental issues lacking in certain respects. In short, environmental rule of law is a challenge for all countries. The presentation on Compliance and Enforcement Indaba Commission provided the status quo below.

5.5.1 Roles and responsibilities of municipalities in compliance and enforcement

- There has been a steady growth in the total number of EMIs at local authority (LA) level since the commencement of the EMI LA project.
- There are 3 408 EMIs in the country and 457 in 71 municipalities are trained regularly.

- Waste management is the role and responsibility of the municipality and is performing poorly as a sector in terms of environmental compliance. The following are identifiers for non-compliance:
 - Poortown and regional planning: Inadequate wastewater treatment infrastructure for the municipal area, but municipalities continue to approve new developments.
 - Landfill site ratings – less than 50% of compliance.
 - Sewage discharge problems countrywide.

5.5.2 Compliance and Enforcement designation

EMI designation in terms of national environmental legislation, as well as a separate provincial or municipal designation in respect of ordinances or by-laws. EMIs are categorised according to various grades, which reflect the compliance and enforcement powers bestowed on them in terms of Chapter 7 of NEMA.

5.5.3 Compliance and Enforcement grades

- Grade 1, 2, 3 and 4 EMIs are located within all EMI institutions and undertake compliance monitoring, and enforcement activities in the brown, green and blue subsectors.
- Grade 5 EMIs are appointed as “field rangers” to execute compliance and enforcement duties within various national and provincial protected areas.
- Grade 5 EMIs play a critical role in monitoring activities within these protected areas by conducting routine patrols and forming key team members of various anti-poaching units.

5.5.3.1 Compliance and Enforcement finance

- Donor-funded project

5.5.3.2 Local Authority Environmental Management Inspectors

- There has been a steady growth in the total number of EMIs at LA level since the commencement of the EMI LA project.
- The addition of the LA sphere of government to the capacity of the inspectorate is aimed at capacitating local authorities, provide them with the relevant mandate to enforce certain environmental issues (in terms of Schedules 4 and 5 of the Constitution of the Republic of South Africa, 1996) with the legislation.

5.5.3.3 Environmental Management Inspectorate Local Authority Guideline

- SALGA/DFFE is in the process of reviewing and analysing several SC legal opinions to clarify constitutional and NEMA/SEMA mandate.
- This will lead to an update of the EMI LA Guideline/Referral Protocol.

5.5.4 Compliance Monitoring Inspections

- Conducting compliance monitoring inspections to ascertain whether the regulated community is complying with the relevant legislative provisions.
- It is important to note that a single facility may require several environmental authorisations, licences or permits.
- Compliance with each authorisation, licence and permit held by a facility, including with each condition thereof, must be ascertained.
- Inspection is then followed up with further inspections so that any improvement or deterioration in the level of environmental compliance by that facility may be assessed.

5.5.5 Cases of no compliance

The sewage problem is common in many municipalities country wide and more often, sewage spills are because of – poor or no maintenance of infrastructures by municipalities; a long history of non-compliance;

- poor town and regional planning – inadequate wastewater treatment infrastructure for the municipal area, but municipalities continue to approve new developments; sewer issues, for example, Vaal River raw sewage discharged in the river; the Thaba Chweu Municipality being charged on a criminal offense due to sewer issues; waste management at municipal level among most poorly performing sectors (environmental compliance); landfill site ratings – less than 50% of compliance; the majority of licensed landfill sites not being compliant; and members of the community and various organisations taking municipalities to court for non-compliance, which makes it difficult for the municipalities to charge or take companies or community members to court for non-compliance.

5.5.6 Case Study: Gauteng Department of Agriculture and Rural Development Good Practice

GDARD has designated 63 Grade 5 and 50 municipal biodiversity EMI. The provincial government (GDARD) provided an update on the provincial distribution of Grade 5 EMIs and municipal EMIs, reporting on the National Environmental Compliance Report and providing support and capacity building on compliance and enforcement.

5.5.7 Support and capacity building by provincial departments

- Quarterly meetings convened between Provincial and Local Authorities (LA) EMIs.
- Coordination of all training events (EMI basic training and other specialised training events).
- Designation of trained or newly appointed EMIs by the MEC.
- Joint inspections for specialised projects and/or routine inspections.
- Facilitation of Duty of Care matters issued by LA EMIs for signature by the Provincial Head of Department in terms of section 28 of NEMA.
- Facilitation of administrative enforcement notices issued by LA EMIs without Grade 1 designated EMIs.

5.5.8 Highlights at GDARD

Designation of Grade 1 EMIs (municipalities with Grade 1 EMIs can undertake administrative actions)

- Designated Grade 1 EMIs in the three metros.
- In process of designating Grade 1 EMI for Mogale City.

Regular Provincial EMI meetings – held quarterly; allows for information sharing and addressing challenges as a collective; and

- work with the Tshwane University of Technology: Training of Environmental Health Practitioners as EMIs.

5.5.9 Environmental Compliance and Enforcement Commission

5.5.9.1 Compliance and Enforcement challenges

- A lack of representation or participation of EMI forums at the local level to engage on an operational issue and conduct EMIs.

- Disconnection or a gap between the Department of Mineral Resources (DMR) EMIs and LA EMIs, which needs to be corrected.
- A lack of understanding of roles and responsibilities of the LA EMIs within their space.
- A lack of coordination by national and provincial departments in terms of providing EMI training for Local Authorities.
- No resources at municipal LA to attend three-week EMI training. Training resources are often a challenge at Provincial Authority and LA levels due to financial challenges that cause limitations of the EMIs in the LA space.
- A lack of capacity building to EMIs.
- Municipal managers must be made to account for air quality, waste management issues and climate change in their score cards.
- Environmental courts are required, which will be led by DFFE or a legal tribunal due to the National Prosecuting Authority not taking environmental issues seriously as they drag for years or no prosecution at all.
- The DFFE and provinces should do capacity building on environmental non-compliance and show case with principals so that they understand the seriousness of non-compliance on environmental legislation.
- A lack of proper records/statistics to the number of EMIs at the local and district levels (many EMIs have left the system or are no longer active).
- A lack of qualified personnel in municipalities, with some not even having the skills to deliver their environmental mandate.

5.5.9.2 Compliance and Enforcement intervention

- More engagements between the province and local at a local space, not national.
- Resuscitation of the level of engagements between DMR, Provincial Authorities and LA.
- Capacity building must be prioritised by provinces and national to clear confusion on the clarification of roles and responsibilities.
- National to go back and find budget to finance all activities during EMI's training that include accommodation.
- Provincial and National will create a proper data base of EMI's and update the existing one.

The compliance and enforcement commission concluded with a programme actions (with key results areas, activities and roles and responsibilities of relevant institutions) that need to be undertaken to improve the performance in the sector. The table is presented below:

Table 6: Compliance and Enforcement Programme of Action

Key Result Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> SALGA/DFFE review and analysis of the Environmental Legislative Framework with a legal opinion to clarify the Constitutional and NEMA/SEMA mandateThe DFFE will lead an update of the EMI LA Guideline/Referral Protocol 	SALGA/DFFE
Sector Planning	<ul style="list-style-type: none"> Development of National waste infrastructure standards (policy) 	DFFE
Governance	<ul style="list-style-type: none"> The DFFE to do a survey of EMI's performance to identify challenges and interventions at local government in the 2023/2024 financial year. The DFFE must have a continuous annual assessment of all EMIs' performance and develop data register for EMIsNational, provincial and local government must work together on environmental enforcement compliance matters Municipalities must attend EMI forums at district level and provincial level to discuss critical EMI matters 	DFFE, municipalities
Advocacy and Training	<ul style="list-style-type: none"> Build capacity of municipal and improve skills and knowledge of politicians and officials in municipalities to carry out environmental mandate. This programme should be continuing and should also cater for the changes of leadership in municipalities. Provide training that focusses on Landfill site and sewer related compliance and other related topics in municipalities as it is a major concern. DFFE must offer EMI training and continuous capacity building for local government and should consider full funding for EMI training including accommodation and the course. 	DFFE, municipalities, provinces
Financing	<ul style="list-style-type: none"> Improve funding of environmental funding in municipalities which will enable municipal EMIs to perform their duties 	SALGA, DFFE, Treasury, COGTA



5.6 Forestry

Forestry Management is the responsibility of the DFFE. However, most plantations that constitute the mandate of forestry management resides in the jurisdiction of municipalities in South Africa, which alone puts the responsibility of the first response to challenges and issues that are caused in the space of forestry management to also be partaken by municipalities. This may include fire incidents, and eradication of alien invasive species. The commission in the LGEI addressed the following focus areas.

5.6.1 Commercial Forestry Master Plan

- The plan is dubbed as the growth and investment strategy for the sector.
- Developed in 2019, the Commercial Forestry Master Plan is a product of collaboration between the DFFE and social partners such as organised labour, business, and other partners.
- Approved by Cabinet in November 2020 – second year of implementation.
- It is a growth and investment plan for the commercial forestry sector, and is facilitated through the Public-Private Growth Initiative.
- It considers opportunities presented by potential investment in the value addition on down-stream industries whilst creating economic and employment opportunities, that ensure greater inclusivity.
- The Governance Structures of the Forestry Masterplan (task teams, Operational Management Committee, and the Executive Oversight Committee) are fully established and operational.

5.6.2 Greening Programme

- Presidential 10 million Tree Planting programme that encourages national, provincial and local governments to plant 10 million trees in the next five years. This initiative aims to change the green landscape of LMs, so that each resident will enjoy the benefit of South African democracy. With the overarching objective of transforming brown landscapes into green landscapes.
- Progress to date:
 - Year 1 – 891 000
 - Year 2 – 951 000

5.6.3 Fire Protection

- National Veld and Forest Fire Act requires all municipalities to join Fire Protection Associations.
- Collaborations are pertinent in this sector.
- Participation of municipalities in the fire working group.
- Establishment of fire belt to manage large scale fire risks.



Presidential 10 million Tree Planting programme that encourages national, provincial and local governments to plant 10 million trees in the next five years. This initiative aims to change the green landscape of LMs, so that each resident will enjoy the benefit of South African democracy



The forestry commission concluded with a programme actions (with key results areas, activities and roles and responsibilities of relevant institutions) that need to be undertaken to improve the performance in the sector. The table is presented below:

Table 7: Forestry Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Sector Planning	<ul style="list-style-type: none"> Encourage urban forestry and relook at a forestry master plan and it considers the role of local government and mainstreaming in municipal IDPs. Moreover, incorporate those municipalities with plantations into the master plan. Development of municipal greening and tree planning plan to guide municipalities greening and tree planting in both urban and rural areas. Ensure the integration of greening and tree planting in human settlement planning. It was recommended that the sector and municipality develop the state of the urban forestry report that incorporates a Tree census though it's acknowledged that the census could be very costly to conduct. 	DFFE, municipalities, provinces
Governance	<ul style="list-style-type: none"> There is a challenge relating to loss of institutional memory and the sector must look at ways to intervene. 	COGTA
Advocacy and Training	<ul style="list-style-type: none"> Intensify greening advocacy programmes targeting both youth and adults in the communities and partnership with schools. Intensify greening/tree planting in villages/townships and ensure municipal budgets, and the establishment and formation of strategic partnerships, as well as collaboration with other institutions. There must be a look at the research which supports tree planning/greening and urban forestry, for example, state of water resources and water technologies to explore. 	DFFE, SALGA, municipalities

5.7 Financing and Institutional Arrangement

The local government sphere like other spheres of government (national and provincial) receive allocation from National Treasury to finance their obligations in terms of service delivery function performed at municipal level. However, it has been proven that environmental management in local government receives the least financial support to meet their constitutional obligation to protect the environment and the well-being of the people. This is evident that most of the municipalities in South Africa do not have environmental management structures and the function is usually attached to other service sections in municipalities like community services, technical services or social services. This creates a conundrum of budget prioritisation in terms of allocation, the other effect of this limit the municipalities to perform all environmental management function as mandated by legislation. The commission at the LGEI focused their deliberation on the following key issues:

5.7.1 Status of budget allocation for Environmental Management Functions

Waste management is the only environmental function that is allocated a budget under basic services component. Basic service component is worth R70.9 billion and waste management receives 20% (R13.7 billion). Other environmental functions are budgeted for in community services which include municipal health services, fire services, municipal roads, cemeteries, planning, stormwater management, street lighting and parks (environmental management receives parks fund allocation). The community services component receives only 11.6% of the equitable share which amounts to R10 billion.

The top 10 percent of municipalities (26 Municipalities) have a revenue adjustment factor of zero, which means that they do not receive an allocation from the institutional and community services components.

The 25 percent of municipalities (64 municipalities) with the lowest scores have a revenue adjustment factor of 100 percent, which means that they receive their full allocation from the institutional and community services components.

Section 230 of the Constitution of the Republic of South Africa, 1996, as well as the Municipal Borrowing Framework of 2020 allow municipalities to borrow; however, municipal loans are not guaranteed by the State. Part of the challenge is the maintenance of assets. National Treasury recommends that municipalities set aside 8% of their budget for asset management, yet municipalities are currently investing 3%. Municipalities are allowed to utilise 5% of their MIG allocation for asset management and 10% for water and general maintenance.

The NCCB is not explicit as to who will fund the planning and implementation of the climate change projects. The Division of Revenue Bill does not reflect funding of environmental management functions. Municipalities must plan for climate change and there should be a creation of a panel of experts to assist municipalities with developing business plans, planning and implementation.

Of the 205 LMs, only 82 have environmental structures (40%) and 86 (42%) have environmental managers. A total of 26 (60%) of district municipalities have environmental units and 24 (55%) have environmental managers in their organogram. All eight metros have environmental structures and managers in their organogram.

5.7.2 Budgeting Challenges

- Limited funding for environmental management functions.
- Lack of environmental management structure.
- MIG allocation is still a gap as it allows the shifting of funds for various functions.
- Division of revenue Act does not reflect funding for environmental functions.
- Lack of revenue collection.
- Rapid population growth.
- Deterioration of municipal infrastructure.
- Municipal Financing Framework: Own revenue, land-based financing, borrowing and partnerships.

- Most municipalities are allocated inadequate budget for asset management.
- Environmental management function budget is located at: Neighbourhood participation grant,
 - Public transport grant and
 - Integrated urban development grant.

5.7.3 Budgeting Interventions

5.7.3.1 Municipal performance:

- Allocation of funds must be equal to other environmental thematic areas.
- Balancing of Waste Management function is given a significant portion of budgets as compared to other environmental management functions.
- Municipal staff regulation, in other words, the Local Government Competent Framework for Mainstreaming Occupants and Career Streams is very silent on capacitating municipality on environmental management functions.

5.7.3.2 Municipal support

- Clarifying the responsibilities and the powers and functions of the three spheres of government.
- DFFE must monitor how the environmental mobilised resources are utilised.
- Municipalities must be assisted in getting climate budget tagging and green taxonomy budgets.
- Local Government must be included in planning and implementation of environmental management projects.

5.7.3 Financing and Institutional Arrangement Commission – Discussions and recommendations

5.7.3.3 Funding of environmental management functions

National Treasury only funds functions/services that are mandated by the Constitution of the Republic of South Africa, 1996, to local government, not the services/functions mandated by legislation. The top twenty-six municipalities' environmental mandate is not funded by the equitable share; therefore, the mandate is funded by revenue collection. National treasury has been

trying to mainstream environmental management in industrial activities by collecting environmental levies and taxes. Two funds are sitting with National Treasury, namely climate budgeting tagging and green budget taxonomy. Concerning funding, a loan is not viable as most municipalities are operating with a negative balance sheet. Municipal

staff regulation, in other words, local government competent framework for mainstreaming occupants and career streams are very silent on capacitating the municipality on environmental management functions. The municipality should improve their 20% of equitable share, which is for waste management.

The financing and institutional arrangement commission concluded with programme actions (with key results areas, activities and roles and responsibilities of relevant institutions) that need to be undertaken to improve the performance in the sector. The table is presented below.

Table 8: Financing and Institutional Arrangement Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Clarifying the roles, powers, and functions to clearly articulate Local Government environmental mandate. Development of an Environmental Management Framework (EMF) for local government. Waste management should be declared an essential service. 	Treasury, provinces, COGTA
Sector Planning	<ul style="list-style-type: none"> Alignment of environmental requirements around sector planning and reporting to streamline the environmental function in the municipalities and eliminate multiple sector planning and reporting. 	Municipalities, DFFE, SALGA
Financing	<ul style="list-style-type: none"> Review of national budget to ensure that the environmental management function is a standalone function. NEMA/SEMA area is adequately funded and should be fully funded. Environmental functions should be aligned to fiscus. Poor households' environmental services must be subsidised from the national fiscus. Develop mechanisms for the direct transfer of funds to municipalities from national government. Expand the use of current grant funding to cater for environmental management or create an environmental grant. Environmental management must form part of municipal priorities when budgeting. 	Treasury, provinces, DFFE, SALGA, municipalities



6 | RECOMMENDATIONS

The 2nd LGEI recommended the following:

- AQM in municipalities should consider sector planning in the form of AQM planning for both three municipal categories, which should be done in a way that reduces the municipal burden on planning and reporting while empowering municipalities to develop these plans and by-laws internally where possible. The environment and local government need to explore and identify funding mechanisms for AQM.
- The B&C mandate needs to be clarified and planning in municipalities should be long term. The sector needs to enable municipalities to address open space management and biodiversity by-law development.
- Climate Change financing mechanisms need to be unpacked within support programmes for climate change risk vulnerability assessment, which are aimed at assisting municipalities to develop response plans and mainstreaming climate change response in sector planning and service delivery mechanisms.
- Municipal Waste Management needs to address the IWMP development, waste by-laws, waste facility compliance, and waste revenue collection while taking advantage of the sector support programmes that address cleaning and greening, yellow fleet procurement through MIG and unlocking other potentials through collaboration and partnership with private sector.
- Coastal municipalities need to ensure coastal access through spatial planning, provisioning of infrastructure with a CMP and committee coordinating the coastal functions.
- Forestry function is a national mandate but with municipalities playing a role as plantations are located within the municipal jurisdiction and are responsible for fire management prevention of veld fire. Municipalities with plantations should be considered and incorporated into the forestry master plan.
- There is still a need to clarify municipal environmental management mandate informed by the Constitution of the Republic of South Africa, 1996, and environmental legislative frameworks. This should also include the role of municipalities with regards to environmental compliance and enforcement and other roles devolved to municipalities through NEMA and SEMAs.
- Municipalities to ensure compliance with environmental legislation and requirements especially in waste management, waste facilities and sanitation or sewage management which are currently amongst major challenges in relation to compliance and seek support/guidance from the sector where necessary.
- Environmental funding is inadequate across all environmental functions owing to the way environmental functions have been devolved to municipalities through legislation without additional funding; therefore, its funding must be clearly articulated as one of the headline items in the budgets of all the three spheres of government with a programme of monitoring and reporting on the allocation and use of environmental management funding across all the spheres of government.
- Municipal institutional arrangements are inadequate to respond to environmental functions and there is a need to review organisational structures of municipalities to provide for the performance of environmental management functions, that will enable the implementation of the environmental management prototype structure as developed by the sector.
- Environment and local government sector need to creatively partner with communities, private sector and other stakeholders to raise awareness and strengthen environmental management within the municipalities.
- Ensure continuous capacity building for councillors and municipal officials on environmental management function with both accredited and non-accredited training in partnership with environment and local government Sector Education and Training Authority.

ANNEXURE A | PROGRAMME OF ACTION

Air Quality Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative reform	<ul style="list-style-type: none"> Clarify the roles and responsibilities of District and LMs in terms of AQM. There is a need for alignment of duties in the environmental legislation and the Local Government legislation. The duties that the environmental legislation is assigning to categories of the municipalities are not aligned with the powers that are assigned to the municipalities by local government legislation. For instance, NEMAQA assigns air quality duties to district municipalities while the MSA does not assign any environmental management duties to district municipalities. The AQM function mainly sits with the district but there are LMs that would want to have a meaningful role in the AQM and the proposal is for the legislation to be amended to accommodate these LMs since LMs have different capacities. The approach could be for the district and LM to have an MOA for those LMs with the capacity to be given some of the roles and responsibilities. Reconsider environmental management authorisation relating to mining activities to improve accountability of environmental functions by having one department that accounts for the authorisation by restructuring DMRE function as competent authority on issuing of environmental authorisation related to mining rights, licensing and permitting and compliance and enforcement and move such functions to the DFFE which must serve as the only competent authority on the environment in South Africa. 	COGTA, DFFE, SALGA
Sector Planning	<ul style="list-style-type: none"> Sector needs to simplify the development of AQMPs and Air Quality By-Laws (endorsed by MECs and Gazetted for implementation by; - <ul style="list-style-type: none"> Developing a framework for AQMP which municipalities can use to develop their own plans internally especially for those municipalities without major air quality issues. Development of AQMP should be at a district and metro level, with district plans having LM chapters and then allowing LMs to adopt the district plans. Support or encourage municipalities to Develop the AQM by-laws using the existing Model by-laws since this can be a low-cost exercise. Environment and Local Government Sector need to come up with support interventions to assist municipalities with gazetting by-laws. EMI training and designation of EMIs by MECs to improve compliance and enforcement of NEMA and its SEMAs within municipalities should be prioritised. 	DFFE, provinces, SALGA, municipalities
Governance	<ul style="list-style-type: none"> Review the municipal organisational structure to establish dedicated personnel structure responsible for AQM functions. Build resilient human resource capacity through a change in the allocation of financial resources for staffing or recruitment. Municipalities need to ensure the designation of AQOs. 	Treasury, municipalities, SALGA
Advocacy	<ul style="list-style-type: none"> Build municipal capacity through environmental management advocacy on AQM awareness aimed at political heads/public and other officials in municipalities. Raise awareness on AQM within community structures so that the participation by members of the public on AQM can improve. 	DFFE, SALGA
Financing	<ul style="list-style-type: none"> Prioritise and provide adequate and consistent financial resources for AQM functions (PPP, donor funding, etc.). Explore how MIG can be used to procure monitoring stations similarly to how MIG is used to procure waste specialised vehicles. Management and funding of priority areas – declaration of priority areas must be supported by the allocation of resources and financial means to be able to implement strategies or plans for their management. 	Treasury, DFFE, SALGA

Waste Management Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Municipality to collaborate and form partnerships with private sector in the implementation of EPR. The country should upscale the waste to energy to maximise the waste resource. Open space management should be prioritised to minimise the mushrooming of illegal dumping spots. Municipalities should upscale separation at source to improve waste minimisation. As part of good practices, municipalities are encouraged to develop an 'Adopt a spot' policy to address open space management issues. There are few municipalities with such a policy and is assisting a lot in addressing Illegal dumping of waste in municipal open spaces. 	Municipalities, DFFE, provinces, SALGA
Sector Planning	<ul style="list-style-type: none"> Municipalities must develop/Update IWMPs and ensure they are integrated into IDPs. This can even be done internally using the DFFE guidelines and portal. Gazetting of waste By-laws for compliance monitoring and enforcement. Designation of WMOs. 	Municipalities
Governance	<ul style="list-style-type: none"> Municipalities to ensure there are organisational structures. Municipalities need to appoint qualified and competent officials responsible for waste management and other related environmental management functions. Municipal officials working in the waste sections need to be trained on NEMA, NEMWA and NWMS. 	Municipalities
Advocacy	<ul style="list-style-type: none"> Commitment to cleaning standards and cleanliness levels by the municipalities. Reviving the clean cities campaign and related cleaning campaigns. Upscaling the implementation of the GGD which focuses on eliminating littering and illegal dumping. Implementation of community-based cleaning models. Partnerships with businesses for cleaning in urban centres (in other words, the Witzenberg Model). 	Municipalities, communities, provinces, SALGA, DFFE
Infrastructure	<ul style="list-style-type: none"> Maintenance of existing waste infrastructure assets and development of waste infrastructure. Building capacity for project preparation, fundraising, development and operation of complex waste infrastructure projects (in other words, waste to energy). 	Municipalities, MISA, ISA, SALGA, DFFE
Financing	<ul style="list-style-type: none"> Budget commitment from municipalities for waste management services. Municipalities to use the revised MIG Framework to procure waste specialised vehicles and yellow fleet for waste collection services. Improvement of landfill site management and operations using MIG to procure waste management equipment. 	Treasury, COGTA, municipalities

Biodiversity and Conservation Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> NEMBA and NEMPA should clarify the roles of all three categories of municipalities in B&C. There is a need to align the legislative requirements of all NEMA/SEMAS to improve municipal compliance and performance. Establish an IBP that incorporates all environmental regulations and important attributes of biodiversity that should be considered within a municipal area and included in environmental sector plans. 	DFFE
Sector Planning	<ul style="list-style-type: none"> The sector should develop a Standard Biodiversity Model by-law that municipalities can use to develop by-laws in-house without the use of consultants. Review the Mainstreaming of Biodiversity into Local Government Framework and its Implementation Plan and ensure alignment with the Biodiversity IDP Toolkit. Municipalities to prioritise the development of Biodiversity Sector Plans. Technical support from the sector is required by the municipalities that owns conservation areas/nature reserves. 	DFFE, provinces, municipalities
Governance	<ul style="list-style-type: none"> Adequately capacitate officials for their role in general management of biodiversity relating to legal compliance and enforcement. Integrate traditional leadership and NGOs in biodiversity planning at the local level. Support biodiversity conservation awareness raising campaigns on a community level. 	DFFE, provinces
Financing	<ul style="list-style-type: none"> Fiscal framework for funding environmental management needs to be reviewed and ensure budget allocation which also caters for biodiversity. 	DFFE, Treasury, COGTA, SALGA

Climate Change Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Legislation should allow Climate Change response plans to be developed at a district level with the participation of LMs, which chapters zooming into the LMs then allow LMs to adopt the district developed climate change response plans. Review legislation to be clear and not be too stringent, especially in funding or financing climate change programmes. 	DFFE
Sector Planning	<ul style="list-style-type: none"> Municipalities need to develop their climate change response plans, adopt them in council and ensure their integration with the municipal sector plans and IDPs. 	Municipalities
Governance	<ul style="list-style-type: none"> Clarification of municipal role and responsibility in Just Transition. Improve communication and stakeholder engagement mechanisms to deal with JET initiatives in the affected regions. There is a need for proper feedback, reporting and structured follow-ups on resolutions agreed on climate change programmes. Cooperation within the three spheres of government with local government being the implementing agent of climate change programmes. Build municipal capacity (institutional and individual) to address climate change challenges and implement climate change municipal initiatives and programmes. 	DFFE, SALGA, municipalities, provinces

Climate Change Programme of Action (Continued)

Key Results Area	Activities	Roles and Responsibilities
Financing	<ul style="list-style-type: none"> Review the funding model of municipalities to consider climate change funding mandatory. Ensure that municipalities benefit from the climate change finance framework that's being discussed at national level. Ensure that Just Transition funding that the country is receiving also benefits municipalities. Factor in climate change into procurement to insist on climate-friendly services. 	Treasury, DFFE, provinces

Integrated Coast Management (ICM) Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Access through protected areas: Harmonisation of legislation and facilitation of Coastal Access via Marine Protected Areas/Nature reserves to secure public to go the beach/including ownership issues. 	DFFE, provinces
Sector Planning	<ul style="list-style-type: none"> Coastal access: Municipalities must, in terms of section 18 of NEMCMA, promulgate a by-law that designates coastal access land to secure public access to coastal public property. Boosting municipal economy: Support coastal municipal programmes and its implications for the ocean's economy opportunities. Encroachment into public property - Strengthen capacity and technical support to deal with coastal planning, compliance, and enforcement at local government to deal with encroachment, illegal development, etc. Prevention of Source to Sea pollution *(Land Sea interface) - Facilitation of Land-Sea Interactions to enable integration of coastal spatial planning and marine spatial planning. 	Municipalities, provinces, DFFE, SALGA
Governance	<ul style="list-style-type: none"> Capacity building, capacity constraints, beach management and coastal vulnerability - There must be transfer of skills to the local officials and public awareness (Integration of coastal and ocean management approach). Internal arrangements: Fragmented approach in planning – Support municipalities to develop/review the existing CMP. Provision of technical support - Municipalities that are struggling need to be supported for them to perform optimally in terms of coastal management. Traditional land management - A need for roadshows and capacity building to advance ICM issues and mandates to traditional authorities for awareness and working relations. 	COGTA, SALGA, DFFE, provinces, DALRRD
Financing	<ul style="list-style-type: none"> Funding - Coastal Climate Change Programme – Opportunities for climate finance to support municipal programme to address coastal risk and vulnerability work. 	Treasury, DFFE, SALGA

Compliance and Enforcement Programme of Actions

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> SALGA/DFFE are in the process to review and analyse of Environmental Legislative Framework with legal opinion to clarify constitutional and NEMA/SEMA mandates. The DFFE will lead an update of the EMI LA Guideline/Referral Protocol. 	SALGA/DFFE
Sector Planning	<ul style="list-style-type: none"> National must develop National waste infrastructure standards (Policy). 	DFFE
Governance	<ul style="list-style-type: none"> DFFE to conduct survey of EMI's performance to identify challenges and interventions at local government 2023/2024 financial year. DFFE must have a continuous annual assessment of all EMI's performance and develop a data register for EMI's. National, Province and local governments must work together on environmental enforcement compliance matters. Municipalities must attend EMI forums at district level and provincial level to discuss critical EMI matters. 	DFFE, municipalities
Advocacy and Training	<ul style="list-style-type: none"> Build the capacity of municipalities and improve skills and knowledge of politicians and officials in municipalities to carry out environmental mandates. This programme should be continuing and should also cater for the changes of leadership in municipalities. Landfill site and sewer related compliance in municipalities is major and there should be training focusing on these areas and other related topics. DFFE must offer EMI training and continuous capacity building for local government and should consider full funding for EMI training including accommodation and the course. 	DFFE, municipalities, provinces
Financing	<ul style="list-style-type: none"> Improve funding of environmental funding in municipalities which will enable municipal EMIs to perform their duties. 	SALGA, DFFE, Treasury, COGTA

Forestry Programme Programme of Action

Key Results Area	Activities	Roles and Responsibilities
Sector Planning	<ul style="list-style-type: none"> Encourage urban forestry to relook at a forestry master plan and consider the role of local government and mainstreaming in municipal IDPs. Moreover, incorporate those municipalities with plantations into the master plan. Development of municipal greening and tree planting plan to guide municipalities greening and tree planting in both urban and rural areas. Ensure the integration of greening and tree planting in human settlement planning. It was recommended that the sector and municipality develop the state of the urban forestry report that incorporates a Tree census though it's acknowledged that the census could be very costly to conduct. 	DFFE, municipalities, provinces
Governance	<ul style="list-style-type: none"> There is a challenge relating to loss of institutional memory and the sector must look at ways to intervene. 	COGTA

Forestry Programme Programme of Action (Continued)

Key Results Area	Activities	Roles and Responsibilities
Advocacy and Training	<ul style="list-style-type: none"> Intensify greening advocacy programmes targeting both youth and adults in the communities and partnership with schools. Intensify greening/tree planting in villages/townships and ensure municipal budgets and establishment and formation of strategic partnerships and collaboration with other institutions. There must be a look at the research which supports tree planning/greening and urban forestry, for example, state of water resources and water technologies to explore. 	DFFE, SALGA, municipalities

Funding and Institutional Arrangement Programme of Actions

Key Results Area	Activities	Roles and Responsibilities
Legislative and Policy Reform	<ul style="list-style-type: none"> Clarifying the roles, powers, and functions to clearly articulate Local Government environmental mandate. Development of an EMF for local government. Waste management should be declared an essential service. 	Treasury, provinces, COGTA
Sector Planning	<ul style="list-style-type: none"> Alignment of environmental requirements around sector planning and reporting to streamline the environmental function in the municipalities and eliminate multiple sector planning and reporting. 	Municipalities, DFFE, SALGA
Financing	<ul style="list-style-type: none"> Review of national budget to ensure that the environmental management function is a standalone function. NEMA/SEMA area inadequately funded and should be fully funded. Environmental functions should be aligned to fiscus. Poor households' environmental services must be subsidised by the national fiscus. Develop a mechanism for the direct transfer of funds to municipalities from national government. Expand the use of current grant funding to cater to environmental management or create an environmental grant. Environmental management must form part of municipal priorities when budgeting. 	Treasury, provinces, DFFE, SALGA, municipalities

ANNEXURE B | 2nd LOCAL GOVERNMENT ENVIRONMENT INDABA DECLARATION

We, the municipalities (Local Government Sector); the Department of Forestry Fisheries and Environment, Provincial Governments and National Government, as official delegations assembled at the 2nd Local Government Environment Indaba 2023, in Ekurhuleni, Radisson Hotel and Convention Centre in Gauteng Province of the Republic of South Africa from 23 to 24 March 2023, which is convened both virtually and physically, take this opportunity to acknowledge the current challenges confronting municipalities of the republic and financial challenges thereof, which needs to be attended to with speed.

The DFFE have considered, the continuing urgency to address municipal performance on environmental management as a sector. At the same time, the DFFE recognise the capacity and financial constraints that plague the municipalities and as such undermine their efforts.

The DFFE reaffirm our constitutional mandate as the three spheres of government on environmental management. To this end, the DFFE, therefore, declare the following:

1. Financing Environmental Management:

- 1.1 Noting the urgency and critical nature of environmental management, its funding must be clearly articulated as one of the headline items in the budgets of all three spheres of government.
- 1.2 When the function is being devolved to local government, especially through legislative means, it must be funded accordingly.
- 1.3 Implement a programme of monitoring, reporting and evaluation of effectiveness on allocation and use of environmental management funding across all the spheres of government.

2. Building a Capable State:

- 2.1 The DFFE commit to review organisational structures of our municipalities to provide for the performance of environmental management functions.
- 2.2 To enable implementation of the environmental management prototype structure.

- 2.3 Implement a programme of monitoring, reporting, and evaluation of effectiveness on allocation of environmental management expertise and capacity across all the spheres of government.
- 2.4 The declaration of indaba shall not be revised, and it should see the programme of action continuing beyond the political term/changes.

3. Spatial Integration, human settlement and Local government Support

- 3.1 Mainstreaming environment priorities into municipal planning tools (IDP/SDF/etc.).

4. Innovation

- 4.1 The DFFE encourage innovation and adoption of tested innovative solutions to improve the performance of environmental management.

5. Creation of an enabling environment

- 5.1 Review the legislation to clarify the legal mandate, role, responsibilities, powers and functions pertaining to environmental management across the three spheres of government.
- 5.2 Creatively partner with communities and other stakeholders to raise awareness and strengthen environmental management.
- 5.3 Enhance collaboration across the 3 spheres of government in executing environmental management.

This is our declaration and statement of intent that will be elaborated into a Programme of Action that will be approved through the intergovernmental structures.

Dated: 24 March 2023



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