

# COMMENTS AND RESPONSES ON THE OVERSTRAND IDF: TOWARDS 2050 – DRAFT ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) DOCUMENT

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This **Comment and Response Report (C&RR)** contains the written (not verbatim) comments received from interested and affected parties (I&APs) during the extended commenting and registration period (6 September 2013 to 5 November 2013) relating specifically to the Overstrand IDF: Towards 2050 – Draft Strategic Environmental Management Framework (SEMF), and responses to such comments by Withers Environmental Consultants (WEC).

In addition, this C&RR contains the written comments received from the Department of Environmental Affairs and Development Planning (DEA&DP) dated 20 January 2014; the written comments received from the Overstrand Municipality dated 6 February 2014; and the verbal telecom comments on the EMF made by Mr Paul Hardcastle of the DEA&DP on 6 March 2014; and responses to such comments by WEC.

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### **List of Acronyms**

C&RR	Comments and Response Report
CBA	Critical Biodiversity Area
DEA&DP	Department of Environmental Affairs and Development Planning
DBAR	Draft Basic Assessment Report
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
ESA	Ecological Support Area
I&AP	Interested and Affected Party
IDF	Integrated Development Framework
IDP	Integrated Development Plan
KBRMP	Kogelberg Coast Integrated Management Plan
NBA	National Biodiversity Assessment
NEMA	National Environmental Management Act
NEM:PAA	National Environmental Management: Protected Areas Act
NDP	National Development Programme: Vision for 2030
PSDF	Provincial Spatial Development Framework
SDF	Municipal Spatial Development Framework
SPC	Spatial Planning Category
WEC	Withers Environmental Consultants

COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>1. SUPPORTIVE STATEMENTS</b>		
a) The general view is that the IDF and SEMF documents are good first drafts. They do, however, require improvement before they can be used for the purposes outlined within them.	Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.	Comment noted, thank you. We would welcome suggestions on how to improve such documents.
b) The DEA&DP noted that the EMF was reviewed in terms of the requirements pertaining to EMFs of the NEMA EIA Regulations (Government Notice No. R 547 of 18 June 2010), and that the EMF appears to meet such requirements. The DEA&DP added that a formal request must be submitted by the Overstrand Municipality to the DEA&DP to adopt the EMF in terms of the NEMA, before the EMF may be implemented for its intended purpose.	Ms Natasha Bieding. DEA&DP. Letter dated 20 January 2014.	Once the EMF is finalised, the Overstrand Municipality will formally request the DEA&DP for the EMF to be adopted in terms of the NEMA, and used for its intended purpose.  Refer to <b>Paragraph 2(c)</b> below regarding the intended use of the EMF.

I&AP COMMENT	I&AP	RESPONSE
<b>2. THE NAME, INTENDED USE AND APPLICATION OF THE EMF</b>		
<p>a) During a telephone conversation between the Environmental Assessment Practitioner (EAP) and Mr Paul Hardcastle of the DEA&amp;DP on 6 March 2014, Mr Hardcastle noted the following:</p> <ul style="list-style-type: none"> <li>The word “Strategic” should be taken out of the title of the EMF document. In practice, EMFs in different areas have been compiled at different scales (e.g. in certain areas in the Karoo 1:10 000 mapping is not required). According the Mr Hardcastle, the EMF document, appears to comply with the 2010 NEMA EMF Regulations and as such there is no need to use the term “Strategic”;</li> <li>The EMF should clearly state its intended use;</li> <li>The EMF should state its limitations; and</li> <li>Given the scale at which the EMF has been produced, and given its intended use, it should be stated that future revisions of the EMF should include finer scaled mapping in identified sensitive areas.</li> </ul>	<p>Mr Paul Hardcastle. Telephone conversation on 6 March 2014.</p>	<p>The term “<i>Strategic</i>” has been omitted from the title of the document.</p> <p>The <u>primary purpose</u> of this EMF is to inform decision-making by officials regarding development and land-use applications in the geographic area to which the EMF applies. This EMF also presents and integrates relevant biophysical and socio-cultural information to identify and inform appropriate future land-use and land-use management. As such the purpose is to find the best possible land use that protects the natural and cultural resources (i.e. preventing their loss or degradation), whilst at the same time addressing the pressing social needs, such as housing provision and the alleviation of poverty.</p> <p>Due to the <u>limitations</u> of the mapped data (described in <b>Section 6.2</b> of the EMF), <u>the purpose is not</u> for the EMF to identify “<i>sensitive areas</i>” as described in Activities 13, 16, and 24 of Listing Notice 3 of the 2010 NEMA EIA Regulations. Similarly, if an area is not identified as “<i>sensitive</i>” in the EMF, development activities may still require environmental authorisation by the competent authority by undertaking a Basic Assessment or a full Scoping and EIA process, should the 2010 NEMA EIA Regulations be triggered by the proposed development activities.</p> <p>Ground-truthing of the available biodiversity information contained in the EMF will be required by the applicant (by undertaking specialist studies), during the undertaking of the applicable development application in terms of the NEMA.</p> <p>As such, the EMF does not replace the use of NEMA for determining whether or not development activities will require a Basic Assessment or a full Scoping and EIA process in terms of the NEMA. Importantly, this EMF does not assign, control to or limit existing land-use rights.</p> <p>We have indicated in the document that future revisions of the EMF should include finer scaled mapping. We have stated that, alternatively, fine-scale (at a scale of 1:10 000 or less) mapping of environmental features / attributes is required in twelve Environmental Management Focus Areas (which have been identified based on environmental sensitivity, and on impending or current development pressure). In addition, where applicable, detailed land-use, natural resource management guidelines and heritage resource management guidelines should be defined for these Environmental Management Focus Areas (i.e. specific and detailed EMFs should be developed within such focus areas).</p>

COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>3. CLARIFICATION OF DEFINITIONS</b>		
<p>a) We question the difference between an Environmental Management Framework and a Strategic Environmental Management Framework such as this document. If this document is to be adopted by the Minister/MEC as an EMF and ultimately act as a trigger for a basic assessment in terms of Listing Notice 3 of the EIA Regulations then it is functioning as an EMF and should be called an EMF.</p> <p>b) The definitions in the EMF should exactly align with the most restrictive/conservative versions contained in legislation. This is important given that the EMF will be used as the basis for deciding Environmental Impact Assessments and any deviation from the definitions found in legislation will lead to confusion. For example, the definition of an “<i>estuary</i>” should be that found in the 2010 NEMA EIA Regulations Listing Notice 3, which defines an estuary in terms of its functional area. Other definitions should be checked against those found in legislation.</p>	<p>Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.</p> <p>Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.</p>	<p>Refer to <b>Paragraph 2 (a)</b> above. Given that the scale of the Overstrand EMF is “coarse”, the term “<i>Strategic</i>” was used as its intent was to only guide the compilation of the Overstrand IDF in terms of the areas environmental sensitivities. However, given DEA&amp;DP’s recommendation that the EMF can be approved in terms of the NEMA, the term “<i>Strategic</i>” has been omitted from the title of the document, and from the text where applicable.</p> <p>The definition of an “<i>estuary</i>” in the EMF document has been amended accordingly. Whilst the other definitions in the EMF have been checked, we would welcome any further specific suggestions on how to improve the definitions.</p>

I&AP COMMENT	I&AP	RESPONSE
<b>4. CRITICAL BIODIVERSITY AREAS AND MUNICIPAL SPATIAL PLANNING CATEGORIES</b>		
<p>a) The current CBA Map for the Overberg District is being revised and will hopefully be replaced with a new provincial-wide systematic biodiversity plan (CBA Map) in 2016. It is envisaged that changes to the current layout of CBAs will be inevitable. With this in mind, and considering the long-term vision of this document, we recommend including a paragraph which stipulates that revised CBA networks must replace the current network when available.</p> <p>b) Section 5.4.2 proposes <u>suitable</u> land-uses and activities per pre-defined ecosystem status or type. We urge you to rather adopt the land-use guidelines of the CBA Map (Holness and Bradshaw, 2010) which proposes suitable land-uses per CBA Map category instead, i.e. what you are recommended to do, depends on how important the land is rather than what the land is. This is especially important as there has been a major shift to place value on the CBA status instead of the ecosystem status as previous practises simply resulted in high fragmentation and ultimately higher ecosystem status of the lesser threatened ecosystems over time. Certain developments should not take place within CBAs regardless of their ecosystem status while others can take place within Other Natural Areas whether they are Least Threatened or Endangered. These guidelines are also directly aligned to the PSDF Rural Land-use Planning and Management Guidelines. As the intention of these projects is all the same, we are confident that the recommendations in term of use of the land would be the same.</p>	<p>Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.</p>	<p>We have included a paragraph in the final EMF document that stipulates that revised CBA networks must replace the current network when available.</p> <p>Section 7.2 on page 119 also states that “<i>This EMF is to remain a live document that will need to be updated on a regular basis to ensure that it remains relevant given the changing environmental and socio-economic conditions and availability of new information in the Municipal Area. Changes to the EMF must be subject to a public participation process as determined by the EMF Regulations of 2010</i>”. The EMF should be formally reviewed and updated in alignment with the review cycle of the IDP and/or SDF documents, i.e. every 5 years. Additional reviews should be undertaken during scheduled reviewing of the IDF document, which the EMF informs.</p> <p>The land-use guidelines per CBA category (Holness and Bradshaw, 2010) have been adapted in <b>Table 11</b> of the EMF to reflect biodiversity-incompatible land-uses (i.e. that are <u>un-suitable</u>), and that should <u>not</u> be supported per Municipal Spatial Planning Category (SPC) and corresponding CBA mapped category. This alternative approach is of key strategic importance in a Municipal Policy document such as this EMF, as the Municipality could not then potentially be “<i>forced</i>” to support any development or land-use change based on its “<i>suitability</i>” within a CBA mapped category.</p> <p>Furthermore, in our experience, ground-truthing of CBA mapped categories (specifically of Critical Biodiversity Areas and Ecological Support Areas) often reveals that pockets of habitats in these areas are often severely degraded and/or that there are no natural areas remaining in them. Conversely, areas not mapped as CBAs or Ecological Support Areas often contain vegetation that is itself classified as Endangered or Critically Endangered and/or contain species of conservation significance (e.g. White Milkwood Trees). As such, the potential impacts of any suitable land-uses and/or activities must be assessed for the applicable land parcel to be developed.</p>

COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>4. CRITICAL BIODIVERSITY AREAS AND MUNICIPAL SPATIAL PLANNING CATEGORIES</b>		
c) Section 5.4.3 (General Guidelines for Natural Resources Management) would however still hold as they provide guidelines per ecosystem type, i.e. advice to a landowner on how he/she should be managing his natural resources, based on what they are and not how important they are.	Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.	WEC agrees with this statement.
d) We furthermore propose an amendment to your Desired Management Objectives of Section 5.4.2.5 on Page 85 to be aligned to those proposed by the CBA Map.		We have amended <b>Table 9</b> in <b>Section 5.4.2.5</b> of the EMF document to also reflect the desired management objective per CBA Map category. It is now more clearly shown that the listed main management objectives per Municipal SPC are in alignment with the CBA management objectives.
e) Spatial Planning Categories (SPC) used in the SEMF do not align with the Western Cape Provincial SPCs and should be brought into alignment. The important aspect of this is the additional levels of categorisation provided by the provincial SPCs that improve the protection provided to threatened and endangered species. The much coarser and less discriminating Overstrand SEMF SPCs should be replaced by the Provincial SPCs.	Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.	Since this EMF is a Municipal Policy document, the existing Municipal SPCs as contained in the most recent Municipal SDF are the applicable spatial planning categories to be used. The alignment of Municipal SPCs, Provincial SDF SPCs and CBA/ESA map categories are shown in <b>Table 9</b> of the EMF.
f) SANBI recommends that the IDF (and SEMF) use the same spatial planning categories (cores, buffers, etc.) as the Provincial Spatial Development Framework and the Rural Guidelines.	Mr Jeff Manuel. South African National Biodiversity Institute. Letter dated 5 November 2013.	Refer to <b>Paragraph 4e</b> above.

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I&AP COMMENT	I&AP	RESPONSE
<b>5. ECOLOGICAL PROCESS AREAS</b>		
a) Page 36 of the SEMF refers to Process Areas from the Overstrand 2006 SDF. Although we have not had time to familiarise ourselves with this layer, we are certain that with the production of a CBA Map for the area, such a layer would have been made redundant. This is because the CBA Map would have achieved these same objectives while being based on more recent information.	Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.	WEC contends that the Ecological Process Areas layer should be included in the EMF, and should be considered in natural resource management and land-use planning for the following reasons: 1) The identified Process Areas cross Municipal Spatial Planning Categories (SPCs), and may accommodate a range of different established land uses. For this reason, they are not defined in terms of a SPC, but rather as an <u>overlay</u> to the SPCs and CBA map categories. 2) Some of the identified Process Areas are also defined in the 2008 Western Cape Provincial Spatial Development Framework, and, as such, should be reflected in the EMF and should be considered in land-use planning and natural resource management. 3) The Process Areas were derived during 2006 through a synthesis of available existing information and through workshops, meetings and discussions between key role-players (principally staff of <u>CapeNature</u> and the Conservation Unit of the Botanical Society of South Africa).
<b>6. ADDITIONAL INFORMANTS TO THE EMF</b>		
a) There are two additional informants which might be worth considering in this SEMF. They are the Heritage and Scenic Resources Assessment which was recently finalised as a component of the draft PSDF and SANBI's Coastal Conservation Plan as a component of the National Biodiversity Assessment (NBA).	Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.	References to the 2013 PSDF Heritage and Scenic Resources Assessment and the 2011 NBA Technical Report: Marine and Coastal Component have been included, <i>inter alia</i> , into the policy section ( <b>Section 5.3.6</b> ) of the EMF. These documents should therefore be referred to, to inform development planning and natural resource management in the Overstrand Municipal Area.
<b>7. CONSERVATION STEWARDSHIP</b>		
a) Spatial Development Strategy No. 5 on page 55 of the SEMF highlights that formal protection is to happen through the CapeNature Conservation Stewardship Programme. Considering the long-term applicability of this SEMF it would be wise to list this programme as one of the options to achieving the goal of an expanded Protected Area network as opposed to the chosen method.	Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.	The relevant text in the EMF document (now on page 53, <b>Section 5.3.5</b> ) has been amended accordingly.



## COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>8. LAYOUT OF THE EMF AND ALIGNMENT WITH THE NATIONAL DEVELOPMENT PLAN 2030</b>		
<p>a) The SEMF provides an environmental “<i>situation analysis</i>” but this does not align with international, national or provincial “<i>state of the environment outlook reports</i>” (SoEOR). It is recommended that the SEMF should be re-organised to align with the headings and format of the national and provincial SoEORs and that it should be used to guide both environmental management policy and activities and those of all other municipal departments and of the private sector. The Western Cape State of the Environment Outlook Report, 2013 should be adapted to reflect what is currently know about the Overstrand environment and incorporated into the SEMF.</p> <p>b) The National Environmental Management Act: Environmental Management Framework Regulations (2010-06-18) (NEMA:EMF) has been used as the reference for the contents of the SEMF. The IDF and SEMF need to be forward looking handbooks for change and to prompt urgent transformative activity. Amongst many other issues, the National Development Plan 2030 (NDP) deals with the need for:</p> <ol style="list-style-type: none"> <li>1. Spatial transformation</li> <li>2. Enhance the resilience of people and the economy to climate change.</li> <li>3. Longer Term - Implement realistic, bold strategies and global partnerships to manage transition to a low-carbon economy.</li> <li>4. Develop a set of indicators for natural resources and publish an annual state of health of identified resources to inform policy.</li> <li>5. Short Term - Respond quickly and effectively to protect the natural environment and mitigate the effects of climate change.</li> <li>6. Reduce greenhouse gas emissions and improve energy efficiency.</li> </ol> <p>These six NDP policy directives need to be responded to in the IDF and the SEMF.</p> <p>c) Ms van Der Stoep noted that the excessive use of footnotes in the EMF document.</p>	<p>Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.</p> <p>Ms Hanneen van Der Stoep. Overstrand Municipality. E-mail dated 6 February 2014.</p>	<p>The layout of the EMF, which has been based on the requirements of the 2010 NEMA EMF Regulations, has been structured in a logical and user-friendly format. As such, we believe it is unnecessary to re-organise this EMF to align with the unrelated format of a State of the Environment Outlook Report.</p> <p>The content of the May 2013 State of Environment Outlook Report for the Western Cape Province has, however, been referred to in the EMF document, under <b>Section 5.3.5: Apply Municipal Strategies, Policies and Plans</b>.</p> <p>Refer to <b>Paragraph 8a</b> above. The ideals of the NDP have been incorporated into the policy section (<b>Sections 5.3.2 and 5.3.6</b>) of the EMF. This document should therefore be referred to, to inform development planning and natural resource management in the Municipal Area.</p> <p>WEC contends that the descriptive footnotes add value in creating a user-friendly, and informative document. Since we have put together this EMF from a wide variety of source documents, correct and full referencing is essential. The reference footnotes have, however, been moved to the end of the document, into a Reference List.</p>

I&AP COMMENT	I&AP	RESPONSE
<b>9. POLICIES WITH REGARD TO THE PROPOSED HERMANUS BYPASS ROAD</b>		
a) The SEMF should give clarity on and reinforce the protection of nature reserves / protected areas by giving clear policy statements that encroachment for development and roads not directly serving the purpose of the nature reserve / protected area will not be permitted under any circumstances by the Overstrand Municipal Land Use Planning Authority.	Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.	The EMF provides a policy framework for the protection of the natural environment of the Overstrand region, and for striving to achieve sustainable development. Also provided in <b>Table 11</b> of the EMF are biodiversity-incompatible land-uses that should <u>not</u> be supported per Municipal SPC and CBA/ESA map category. The Core 1 Municipal SPC includes Protected Areas and Critical Biodiversity Areas. The construction of Class 1 and 2 Distributor Roads (within Protected Areas such as Fernkloof, and across all Municipal SPS) would require, amongst others, prior approval in terms of the NEMA EIA Regulations. Since this EMF is a strategic policy-level document, the intention is not to comment on specific future EIAs that may or may not be launched.
b) What the Hermanus Ratepayers Association wants to see is the Municipality upholding legislative protection of irreplaceable environmental assets like the Fernkloof Nature Reserve, and not allowing it to be damaged or cut off from the rest of the town by the so-called (proposed) Bypass Road. It also needs to say more about the contracted and quality public transport services (as proposed in the Overberg Mobility Strategy) and the link to the National Development Plan in this regard. Objectives and Policies need to be introduced to support this.	Hermanus Ratepayers Association. Letter dated 30 October 2013.	Refer to <b>Paragraph 9a</b> above. Along with environmental considerations, the proposed bypass road also needs to consider the economic and social benefits of such a road in the long term, i.e. the “ <i>triple bottom line</i> ” aspects of sustainable development need to be considered for a burgeoning population within the Overstrand region, along with increased tourism within the region.  It has now been stated in <b>Section 5.3.6</b> of the EMF that the Overberg District Municipality’s Integrated Transport Plan, and, in particular, an Integrated Public Transport Network, as proposed by the Overberg District Municipality’s Mobility Strategy (2010), should be implemented.
<b>10. POLICIES WITH REGARD TO A PROPOSED AIRFIELD/AERODROME/AIRPORT</b>		
a) There needs to be a section relating to the need for a local airfield/aerodrome/airport and where the best location might be for this. The prevailing weather (and therefore the runway) should be approximately East/West and between 350m – 1000m long. Some locations said to be possibilities are between Hawston and Karwyderskraal and also near Stanford.	Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.	Refer to <b>Paragraph 9a</b> above. The construction of an airfield/aerodrome/airport would, amongst others, require prior approval in terms of the NEMA EIA Regulations. Since this EMF is a strategic policy-level document, the intention is not to comment on specific future EIAs that may or may not be launched in the future. The EIA process should determine the best site for a runway (airfield).
<b>11. MARINE PROTECTED AREAS</b>		
a) The SEMF refers to existing marine protected areas and includes a map (Figure 13) alluding to future protected areas. To protect the already depleted fisheries and provide for rebuilding stocks, there is a need to extend marine protected areas and to identify no-take zones comprising at least 20% of the total Overstrand coastline. It is recommended that this should be incorporated into the SEMF as a high priority.	Mr Rob Fryer. Whale Coast Conservation Forum. Letter dated 30 October 2013.	The suggestion to extend marine protected areas and to identify no-take zones comprising at least 20% of the total Overstrand coastline has been noted, and has been included into the policy section ( <b>Section 5.3.6</b> ) of the EMF document.

COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>12. MAPS AND PLANS</b>		
<p>a) SANBI recommends that all plans within the IDF (and SEMF) reflect the estuarine functional zone, as it relates to ecological functioning as well as disaster risk reduction. The estuarine functional zone should therefor inform the future urban edge delineation around the towns that are situated on estuaries. Ideally, development should try to stay outside of the estuarine functional zone or out of the 1 in 100 year flood line.</p> <p>b) The colours used for biodiversity features on many of the maps are counterintuitive and the display of overlapping features can also be improved.</p> <p>c) SANBI would like to enquire where the "<i>high density alien areas</i>" data was sourced from. There are only a few recognised alien invasive datasets, and this information is crucial in evaluating the input.</p> <p>d) The DEA&amp;DP made various comments with regard to Plans 3, 4, 5, 6, and 9 as included in the IDF document (Plans 3, 4, 5 and 6 are attached as Figures 6, 11, 12 and 13 to the EMF document respectively).</p>	<p>Mr Jeff Manuel. South African National Biodiversity Institute. Letter dated 5 November 2013.</p> <p>Ms J Africa. DEA&amp;DP. Letter dated 15 January 2014.</p>	<p>All the relevant maps within and/or appended to the final EMF and IDF documents have been amended to reflect the estuarine functional zone. The statement "<i>No development should take place within 1:100 year floodplains and/or within established setback lines (also called "process lines") and/or within the estuarine functional zone (usually defined by the 5m contour)</i>" is included in <b>Section 5.3:6</b> of the EMF document.</p> <p>All the maps within and/or appended to the final EMF and IDF documents have been amended to reflect the comments made by the SANBI regarding Section 2.5 of the IDF "<i>Our Natural Environment</i>".</p> <p>The high density alien data was sourced from the SANBI BGIS website. Metadata file name: Overberg_Transformation_Layer.shp compiled by SANParks (Stephen Holness and Peter Bradshaw) during 2008-2009 from various sources. The High Density Aliens transformation category was obtained by the authors of the shapefile from the Agulhas Biodiversity Initiative's "<i>landcover</i>" layer.</p> <p>All the maps within and/or appended to the final EMF and IDF documents have been amended to reflect the comments made by the DEA&amp;DP, excepting for the following:</p> <ul style="list-style-type: none"> <li>• "<i>Special Places</i>" has not been added to the legend of Plan 5 (<b>Figure 12</b> of the EMF) since no such layer exists on the SANBI's BGIS database.</li> </ul> <p>In terms of Plan 9 (not attached to the EMF), the layer "<i>Non-Agricultural Uses</i>" has been changed to "<i>Other Natural Areas</i>" in the legend.</p>

COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

I&AP COMMENT	I&AP	RESPONSE
<b>13. GENERAL COMMENTS</b>		
a) Please update CapeNature's Land-Advice Units' contact details to landuse@capenature.co.za.	Ms Kerry Maree and Mr Rhett Smart. CapeNature Scientific Services. Letter dated 1 November 2013.	The relevant text in the EMF document has been amended accordingly.
b) Ms van Der Stoep enquired as to why the legislation has been copied into the EMF. Ms van Der Stoep suggested that only essential aspects of the legislation should be noted, or that the relevant legislation should merely be referred to.	Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.	<b>Section 2.1</b> of the EMF includes an excerpt of the 2010 NEMA EMF regulations pertaining directly to this EMF. This inclusion is necessary to illustrate the legislative context of the document.
c) Ms van Der Stoep requested that the Clima-Diagram (Figure 5) be improved upon.	-	A revised Figure 5 has been included in <b>Section 4.2.2</b> of the EMF.
d) Ms van Der Stoep enquired as to why certain Ecological and Evolutionary Process Areas that fall outside the Overstrand Municipality's area of jurisdiction area are included in Table 4 of the EMF.		The Ecological and Evolutionary Process Areas that fall outside the Municipal area link up with process areas that are inside the Overstrand Jurisdiction Area. However, the text in <b>Table 4 (Section 4.2.9)</b> of the EMF pertaining to those Process Areas which fall outside the Municipal Area, has been deleted.
e) Ms van Der Stoep enquired as to the reason for including the results of the Overstrand Heritage Survey Draft Report (2009 in <b>Section 4.2.10</b> of the EMF		Whilst environmental and heritage resources are inextricably interlinked, we have deleted the list of heritage resources that characterise the Overstrand from the text. We have also stated that the 2009 Overstrand Heritage Survey Draft Report, and the 2013 PSDF Heritage and Scenic Resources Assessment, should be used to guide land-use planning.
f) Ms van Der Stoep enquired as to the reason for including an exhaustive example in the EMF with regard to " <i>green transport</i> " initiatives, namely those measures currently being undertaken in the city of Parma (Italy).		The city of Parma example regarding innovative " <i>green transport</i> " plans has been substantially reduced ( <b>Section 5.1</b> of the EMF). The example is included to illustrate that effective non-motorised transport plans currently being implemented in Europe could be applied in urban centres in the Overstrand, with similar resultant environmental, economic, and social benefits.

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I&AP COMMENT	I&AP	RESPONSE
<b>13. GENERAL COMMENTS</b>		
<p>g) Ms van Der Stoep enquired as to whether or not the Vision quoted on page 50 of the EMF document is the same as the vision reflected in the IDF document.</p> <p>h) Ms van Der Stoep stated that the PSDF is currently under review, and highlighted that the associated Draft Rural Land-use Planning &amp; Management Guidelines (2009) is a draft document. She questioned the relevance of these source documents.</p> <p>i) Ms van Der Stoep referred specifically to Page 61: ENV 4 (d) under Policies in the EMF, and stated that the word “<i>must</i>” should be removed and replaced with “<i>should</i>”. Ms van der Stoep noted that, except where legislation clearly indicates responsibility to the Municipality, the word “<i>must</i>” should not be used. Ms van der Stoep requested that this aspect should be checked throughout the EMF document.</p> <p>j) Ms van Der Stoep referred to Page 62: ENV 5 in the EMF, and stated that since the PSDF is under review, the stated objectives therein may change.</p>	<p>Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.</p>	<p>The vision statement in the EMF (now on Page 48, <b>Section 5.2</b>) was taken directly from Page 2 of the Municipal IDP 2012 – 2017 (Final May 2012) document. Furthermore, <b>Section 2.2</b> of the EMF states that “<i>this EMF document specifically informs and gives effect to the eight strategic directives as described in the IDF, particularly to the realisation of “An environmentally sustainable and resilient Overstrand”</i>”.</p> <p>The PSDF and other planning documents (including this EMF) are subject to scheduled review cycles, and as such the latest documents should always be referenced. The provisions and policies of the latest available PSDF are referred to in the EMF document. Albeit that the Rural Land-use Planning &amp; Management Guidelines (2009) is a draft document, it is currently applied by the SANBI, by CapeNature, and by the DEA&amp;DP to guide their land-use decision making.</p> <p>We have changed the word “<i>must</i>” to “<i>should</i>” throughout the EMF document, where applicable. The relevant page and reference is now <b>Page 58: OBJ 5 (d)</b>.</p> <p>Refer to <b>Paragraph 13h</b> above. We agree with this statement. We referred to the latest available PSDF (and to all the other latest available documents) at the time of writing the EMF. The relevant page and reference is now <b>Page 59: OBJ 6</b>.</p>

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I&AP COMMENT	I&AP	RESPONSE
<b>13. GENERAL COMMENTS</b>		
<p>k) Ms van Der Stoep referred to Page 64: ENV 6 (a), (b) under Policies in the EMF, and enquired as to the reasons for including these policies.</p> <p>l) Ms van Der Stoep referred to Page 65: ENV 6 (d) in the EMF and reiterated that the Draft Rural Land-use Planning &amp; Management Guidelines (2009) is a draft document. Ms van Der Stoep suggested that the document should only be referenced if the underlying principles are relevant, and that the principles should not all be listed.</p> <p>m) Ms van Der Stoep referred to Page 66: ENV 6 (f) in the EMF and stated that it should be noted that a strict urban edge has never prevented urban sprawl.</p> <p>n) Ms van Der Stoep referred to Page 68 of the EMF, and stated that “SDP” should read “SDF”.</p> <p>o) Ms van Der Stoep referred to Page 68 ENV 8 (b) of the EMF, and enquired as to who would be responsible for funding the exercise of ground-truthing GIS-based bioregional planning information when development applications are received by the Municipality?</p>	<p>Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.</p>	<p>The policy under <b>OBJ 7 (a) on Page 61</b> of the EMF has been amended to read: “<i>All naturally vegetated land not suitable for Intensive Agriculture outside urban edges and not classified in the Municipal Core 1 or Core 2 Spatial Planning Categories, should be classified as Buffer Areas</i>”.</p> <p>The Municipal “Buffer” SPC should correspond with the “Other Natural Areas” CBA / ESA map category (refer to <b>Table 9</b> in the EMF).</p> <p>In terms of the policy under <b>OBJ 7 (b)</b> of the EMF, the Municipality should consider bioregional spatial planning when reviewing land-use applications, including those applications on land zoned for agricultural use. It is a known fact that most of the biodiversity in South Africa occurs on privately-owned land, and most of this land is zoned for agricultural use.</p> <p>Refer to <b>Paragraph 13h</b> above. The Draft Rural Land-use Planning &amp; Management Guidelines (2009) is a draft document, but it is applied in practice. The implementation of the general management guidelines included in <b>OBJ 7 (d) on Page 62</b> will help protect biodiversity and agricultural resources.</p> <p>Noted. The delineation of a strict urban edge is only one method to prevent urban sprawl (refer to <b>OBJ 7 (f) on Page 63</b>). Whether the enforcement of a strict urban edge works or not is up to the implementing authorities.</p> <p>This typing error has been corrected to read “SDF”.</p> <p>The applicant of any development application will be responsible for such ground-truthing. It has been indicated as such in the EMF (refer to <b>OBJ 9 (b) on Page 65</b>).</p>

I&AP COMMENT	I&AP	RESPONSE
<b>13. GENERAL COMMENTS</b>		
<p>p) Ms van Der Stoep referred to Page 68 ENV 8 (d) of the EMF and stated that it would be impossible for the Municipality to only approve buildings including “<i>green building technology</i>”, since such measures would be too expensive for poor people, and for subsidized low cost housing projects.</p> <p>q) Ms van Der Stoep referred to Page 69 ENV 8 (e) of the EMF and stated that it would also be impossible to retrofit old buildings to reduce their demand for water and electricity.</p> <p>r) Ms van Der Stoep referred to Page 72 ENV 10 (b) of the EMF, stating that the relevant Acts should be referenced, and not explained in full.</p> <p>s) Ms van Der Stoep referred to Page 72 ENV 10 (c) and stated that the word “must” should be replaced with “<i>should</i>”. Ms van Der Stoep noted that the 2000 White Paper for Sustainable Coastal Development in South Africa is still a “<i>white paper</i>”, and is thus not legally binding.</p> <p>t) Ms van Der Stoep referred to Page 75 ENV 10 (l) and enquired as to who is responsible for developing Catchment Management Plans.</p>	<p>Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.</p>	<p>The reader is reminded that the EMF document and the policies it contains dictate what <u>should</u> happen in order to achieve the IDF directive of “<i>An environmentally sustainable and resilient Overstrand</i>”. It is noted that, in reality, this might not always be achievable (especially in the short to medium term). As such, the term “<i>wherever financially feasible</i>” has been added to the applicable policy (refer to <b>OBJ 9 (d) on Page 65</b>). Low cost housing projects <u>should</u> incorporate water saving technologies such as dual-flush toilets, and taps fitted with tap aerators, flow restrictors and slow-flow shower heads. Low cost housing projects <u>should</u> also incorporate electricity saving measures such as energy-efficient lamps and light fittings, geyser “blankets”, thermal insulation in their roofs and solar hot water systems.</p> <p>Refer to <b>Paragraph 13p</b> above. Retrofitting of old buildings is what <u>should</u> happen. In reality, this might not always be achievable. (refer to <b>OBJ 9 (e) on Page 66</b>). Such buildings <u>should</u> be retrofitted to include solar hot water geysers, thermal insulation in their roofs, rainwater collection tanks, dual-flush toilets, tap aerators etc.</p> <p>We have shortened the policy with regard to the implementation of the Sea Shore Act No. 21 of 1935, the Marine Living Resources Act No. 18 of 1998 and the NEMA with regard to coastal management and land-use planning policies / strategies in the Overstrand region (refer to <b>OBJ 11 (b) on Page 69</b>).</p> <p>Refer to <b>Paragraph 13i</b> above. “<i>White papers</i>” are intended to guide policy development. The relevant page and reference is now <b>Page 69: OBJ 11 (c)</b>.</p> <p>The relevant text has been amended. Catchment Management Plans should be produced by the DWA, in collaboration with District and Local Municipalities, and should be implemented by Catchment Management Agencies with Municipal support for priority river systems, as identified and mapped by the SANBI’s National Freshwater Ecosystem Priority Area (NFEPA) programme (refer to <b>OBJ 11 (i) on Page 72</b>).</p>

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<p>u) Ms van Der Stoep referred to Page 72 ENV 10 (d) and stated that the Kogelberg Coastal Integrated Management Plan (KBRMP) was compiled for a specific area, and cannot be generically applied to the entire coastline of the Overstrand Municipal Area.</p> <p>v) Ms van Der Stoep referred to Page 72 ENV 10 (e) and stated that the development / implementation of an ecological setback line would not be possible, since there is already a development setback line in place (in urban areas).</p> <p>w) Ms van Der Stoep referred to Page 72 ENV 10, and stated that the Integrated Coastal Management Act No. 24 of 2008, the Land Use Planning Ordinance No. 15 of 1985 and the National Water Act No. 36 of 1998 should be listed as the legislative policy requirements, and not the PSDF.</p> <p>x) Ms van Der Stoep referred to Section 5.2.2.2 on Page 81 of the EMF, and noted that the setback line does not prohibit construction, extension or repair of structures that are either wholly or partly seaward of the line. Ms van Der Stoep added that a coastal planning scheme would not necessarily be developed, but that an overlay could be developed.</p>	<p>Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.</p>	<p>We have changed the wording in the EMF, stating that the KBRMP <u>could</u> be used as a template from which to develop a Coastal Management Programme for the entire coastal zone of the Overstrand Municipality (refer to <b>OBJ 11 (d) on Page 69</b>).</p> <p>The relevant text has been amended. For proposed new developments or urban areas that fall outside existing urban areas, erosion set-back-lines, ecological set-back lines and building set-back lines from coastal areas, including estuaries and water courses should be established by coastal ecologists / hydrologists, botanists and town planners (refer to <b>OBJ 11 (e) on Page 69</b>).</p> <p>Refer to <b>Paragraph 13 h</b> above. By implementing the provisions of the relevant legislation, the applicable policies (e.g. SDF and/or PSDF) can theoretically be achieved.</p> <p>The relevant text has been amended as follows. The coastal set-back line should / is intended to prohibit or restrict the construction, extension or repair of structures that are either wholly or partly seaward of the line. The intention of the coastal set-back line is to protect the coastal protection zone, and to protect or preserve coastal public property; coastal private property; public safety; and the aesthetics of the coastal zone.</p> <p>The coastal planning scheme, as proposed in Kogelberg Coast Integrated Management Plan (compiled in terms of the NEM:ICMA), should be used as a guideline in the development of a coastal planning / zoning scheme or zoning scheme overlay for the rest of the Overstrand Municipal area (refer to <b>Section 5.2.2.2 on Page 78</b>).</p>



COMMENTS AND RESPONSES TABLE: OVERSTRAND EMF

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<p>y) Ms van Der Stoep referred to Table 11, and to the “Core 1” SPC in the EMF, and stated that commercial activities are prevalent in all National and Provincial, and in Botanical Gardens etc., which are not resorts. Ms van der Stoep enquired as to why such a restriction should be imposed in the Overstrand (whilst it is not applicable to National Parks, CapeNature, Botanical Gardens etc.).</p> <p>z) Ms van Der Stoep referred to Table 11, and to the “Core 2” SPC in the EMF, and stated that bulk engineering services should be allowed in “Core 2” areas, pending approvals in terms of the of relevant legislation. Ms van der Stoep noted that the provision of essential services is more important that the physical environment, and that this aspect should thus be re-looked at.</p> <p>aa) Ms van Der Stoep referred to Section 5.4.4 of the EMF, and enquired as to why the Overstrand Municipality’s specific plans and policies are summarised in the EMF. Ms van Der Stoep stated that the focus should rather be on shortfalls, and/or on environmental concerns that need to be addressed.</p>	<p>Ms Hanneen van Der Stoep. E-mail dated 6 February 2014.</p>	<p>Refer to <b>Paragraph 4b</b> above. The land-use guidelines per CBA category (Holness and Bradshaw, 2010) have been adapted in <b>Table 11</b> of the EMF to reflect biodiversity-incompatible land-uses (i.e. that are <u>un-suitable</u>), and that <u>should</u> not be supported per Municipal Spatial Planning Category (SPC) and corresponding CBA mapped category. The relevant text has been amended to indicate, inter alia, the following land-uses which should not be supported. <i>“The transformation of land of any size to allow for resorts, residential, retail, commercial, industrial or institutional use, including social facilities (except if included in an EMP approved in terms of the NEM:PAA for a protected area and/or subject to the necessary approvals in terms of the NEMA and other relevant legislation)”</i>.</p> <p>Refer to <b>Paragraph 13y</b> above. The relevant text has been amended to indicate that services will not be restricted in “Core 2” areas, pending the necessary legislative approvals.</p> <p><b>Section 5.4.4</b> has been shortened where possible, from page 104 onwards. We contend that summaries of the applicable Municipal Plans should be included in the EMF for ease of reference, since specific Action Plans are noted for Heritage, Integrated Waste Management, Water Services Development and Environmental Management Services. The focus of Section 5 of the EMF is “<i>what we will do</i>” to achieve a sustainable and resilient Overstrand towards 2050. As such, specific Municipal objectives and actions should be included in the EMF.</p>