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## Appendix 1: City of Cape Town Council Resolutions

**On the 7th December 2006, in terms of resolution C 39/12/06 council adopted the:**

THE UPDATED BIODIVERSITY NETWORK OF MINIMUM SITES REQUIRED TO CONSERVE BIODIVERSITY WITHIN THE CITY OF CAPE TOWN

RESOLVED that

- a) The Biodiversity Network of minimum areas required to conserve biodiversity in the City of Cape Town is adopted subject to more detail investigation on some of the sites.
- b) The Biodiversity Network forms the basis of CMOSS and is one of the primary informants for the 2030 year plan.
- c) The Biodiversity Network is taken into account during land use decision making processes.
- d) Council applies to the Department of Environmental Affairs and Development Planning to have the Biodiversity Network declared as a Bioregional Plan under the National Environmental Management: Biodiversity Act 10 of 2004.
- e) Action plan and corresponding toolkit required to implement the network forms the basis of a follow up report to PEPCO.
- f) The Nature Conservation Branch of the Environmental Resource Management department is supported in its task of securing the City's Biodiversity Network.
- g) Internal City line functions which manage sites containing important biodiversity are requested to conserve and, if appropriate, restore biodiversity in consultation with the Nature Conservation Branch.
- h) External key role players such as DEAT, South African National Parks, CapeNature, South African National Biodiversity Institute (SANBI), and CAPE Action for People and Environment are called upon to assist with the implementation of the network.

**On the 27th May 2009, in terms of council resolution C64/05/09 council adopted;**

THE 2008 UPDATED WETLANDS MAPPING AND THE BIODIVERSITY NETWORK OF MINIMUM SITES REQUIRED TO CONSERVE TERRESTRIAL BIODIVERSITY WITHIN THE CITY OF CAPE TOWN IN ORDER TO MEET NATIONAL CONSERVATION TARGETS AND LOCAL, NATIONAL AND GLOBAL RESPONSIBILITIES

RESOLVED that:

The contents of the report on the 2008 updated wetlands layer and the Biodiversity Network be noted.

- a) The Biodiversity Network be taken into account as a key informant during land use decision-making processes by the relevant City Department.
- b) All City line functions which manage land with important biodiversity must consult with the Biodiversity Management Branch.

## Appendix 2: City of Cape Town Dated 31 August 2010



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### EXECUTIVE DIRECTOR — STRATEGY AND PLANNING

31 August 2010

Mr Rudi Ellis  
Head of Department  
Department of Environmental Affairs & Development Planning  
Provincial Administration: Western Cape  
Wale Street  
Cape Town

Dear Mr Ellis,

#### RE: DECLARING A BIOREGION AND PUBLISHING BIOREGIONAL PLAN FOR THE CAPE TOWN MUNICIPAL AREA

In accordance with the National Environmental Management: Biodiversity Act (NEMBA: Act 10 of 2004, regulation 40(1)) and the Guideline regarding the Determination of Bioregions and the Preparation and Publication of Bioregional Plans (hereafter, "Guideline"; chapter 7), we wish to notify the Department of our intention to draft a Bioregional Plan for the City and on completion, declare Cape Town a Bioregion and publish the Bioregional Plan.

The intention is to proceed with the development of the components for the Bioregional Plan in tandem with the drafting of the Cape Town Spatial Development Framework and District Spatial Development Plans/Environmental Management Frameworks.

The City of Cape Town is putting in place a hierarchy of plans within which planning takes place in the City. In this regard, the Cape Town Spatial Development Framework (CTSDF) is the lead plan that must incorporate other sectoral plans into an overarching spatial plan to implement the future City vision. The biodiversity network is such a sectoral informant that must be incorporated into the CTSDF.

The hierarchical approach requires that the lead plan be approved prior to sectoral plans. In adopting this approach the City must guard against preparing or approving plans that are in conflict with one another as well as plans that will unnecessarily move the delegated powers of development approval to a higher sphere of government.

In the interim we therefore seek the approval from the Provincial Government of the Western Cape for our integrated process and the subsequent declaration of the Cape Town Bioregion and drafting of the Bioregional Plan.

The City's internal process to integrate the Bioregional Plan into the CTSDF will ensure that there is alignment between the two plans and will ensure that there is no public confusion between the roles of the various plans. This will also ensure alignment amongst the Provincial SDF, the CTSDF and the Bioregional Plan. The detailed biodiversity maps and land use guidelines are being integrated into the district SDP's and EMF's to be approved by Council in terms of S4(10) of LUPO 1985.

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Once the CTSDf has been approved by Council and the DEA&DP, PG:WC in terms of S4(6) of LUPO 1985, the Bioregional Plan (as an extract of the CTSDf with supplementary information as required in a Bioregional Plan but not necessarily contained in the CTSDf, such as the setting, monitoring and review of biodiversity targets) will be presented to your Department for publication and for the declaration of the City of Cape Town Bioregion.

The geographic area of the City of Cape Town (see appended map) encompasses the largest urban area in the Western Cape Province as well as being characterised by a diverse array of landforms and terrestrial and aquatic ecosystems. The City of Cape Town is unparalleled as a municipality anywhere in the world in having six endemic national ecosystems and 190 endemic plant species. Unfortunately, much of this unique biodiversity is threatened with extinction. It is therefore with a sense of urgency that we wish to move forward in conserving a representative sample of this biodiversity, hence this notification of our intention to develop a Bioregional Plan for the City of Cape Town Bioregion in accordance with the Guideline.

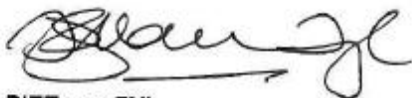
According to the Guideline, a municipality or other region encompassing a specific ecosystem or several nested ecosystems, and that is characterised by its landforms, vegetation cover and/or cultural heritage, may develop a Bioregional Plan and approach the Minister or MEC with a request to declare this as a bioregion and publish the Bioregional Plan (National Environmental Management: Biodiversity Act, section 40(4)). The Guideline indicates that the Minister or MEC should respond within 30 days, otherwise if no response is received, it is assumed that the municipality may proceed with the development of the Bioregional Plan.

The purpose of the Bioregional Plan is to promote the management of biodiversity and its components in the bioregion in a way that does not conflict with the bioregion's adopted plans, including the CTSDf and Integrated Development Plan.

The Environmental Resource Management Department has received the mandate to pursue the publishing of a Bioregional Plan for Cape Town in the Council resolutions dated 07 December 2006 (C39/12/06) and 27 May 2009, (C64/05/09).

We look forward to receiving approval and support for this initiative.

Yours sincerely



**PIET van ZYL**  
EXECUTIVE DIRECTOR  
STRATEGY & PLANNING

## Appendix 3: DEA&DP Letter Dated 23 September 2010



MINISTRY of LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS and  
DEVELOPMENT PLANNING  
Provincial Government of the Western Cape

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**REFERENCE:** 3/5/2

**ENQUIRIES:**

Mr Dan Plato  
Executive Mayor  
City of Cape Town  
PO Box 4557  
CAPE TOWN  
8000

Dear Mayor Plato

### **re: DECLARING A BIOREGION AND PUBLISHING A BIOREGIONAL PLAN FOR THE CAPE TOWN MUNICIPAL AREA**

The letter from the Executive Director: Strategy and Planning of the City of Cape Town dated 31 August 2010, with regard to having the Cape Town municipal area declared a bioregion as well the request for approval for the drafting of a bioregional plan, has reference.

In terms of the Guideline regarding the Determination of Bioregions and the Preparation and Publication of Bioregional Plans (the Guideline); as provided for in the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), the Provincial Minister for the environment has to approve the application to commence with the process to have a municipal area declared a bioregion as well as with the drafting of a bioregional plan.

With regard to the drafting of a bioregional plan for the City of Cape Town, the following must be noted:

- 1) For purposes of overseeing the project, a project steering committee should be formed, consisting of, apart from the relevant components within the City of Cape Town, also as a minimum, representatives from the following institutions –
  - a) The Department of Environmental Affairs and Development Planning:
    - (i) Directorate: Environmental and Spatial Planning
    - (ii) Directorate: Integrated Environmental Management – Region B
    - (iii) Directorate: Environmental Sustainability, Climate Change and Biodiversity.
  - b) The provincial Department of Human Settlements
  - c) The provincial Department of Transport and Public Works
  - d) Department of Environmental Affairs

- e) CapeNature
  - f) SANBI
  - g) ACSA
  - h) ESKOM
  - i) The Cape West Coast Biosphere Reserve
  - j) The Cape Winelands Biosphere Reserve
- 2) The process to be followed in the drafting of the bioregional plan is set out in **Table 1** below. These process steps will apply over and above the requirements as determined in the Guideline.

**Table 1: THE PROCESS PRINCIPLE OF DRAFTING A PLAN**

**To ensure that the affected public and the approving authority are taken along in the process and to avoid the situation where the public is confronted with a fait accompli at a late stage**

PHASES ↓	STEPS PER PHASE →	Drafting of product for evaluation	Steering Committee review	Review by affected public	Signing off of product
<b>Status quo, goals, problems &amp; issues</b>		Draft report compiled by drafting team	Endorsed or referred back to team	Made known to stakeholders (60 days)	By delegate of approving authority
<b>Spatial perspective, objectives &amp; principles</b>		Draft report compiled by team	Endorsed or referred back to team	Made known to public (60 days)	By delegate of approving authority
<b>First draft plan ( &amp; more drafts if needed)</b>		Draft plan incl. report (iterations as needed)	Endorsed or referred back to team	Made known to public (60-90 days)	By delegate of approving authority
<b>Final draft plan</b>		Final plan including report	Endorsed or referred back to team	Made known to public (90 days)	Approving authority

- 3) In order to streamline the drafting process it will be essential for all the above-mentioned institutions to be actively involved, as this would ensure alignment and concurrence matters being dealt with as integral part of the process and not only after the formal drafting process has ended. In this regard three crucial steps should be noted –

- (i) The review of the draft product by SANBI and CapeNature;

- (ii) The review of the product by the Department of Environmental Affairs and Development Planning; and
- (ii) The review of the product by the Department of Environmental Affairs.

The City of Cape Town is hereby then granted permission to commence with the process to have the municipal area declared a bioregion as well as for the drafting of a bioregional plan. You are further wished all the best with the project.

Kind regards



**ANTON BREDELL**

**MINISTER**

**DATE:** 23/9/200

## Appendix 4: City of Cape Town Letter Dated 15 November 2010



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Ref:  
Filename: I:\CB0-44WALE-016\Home\PHOLMES\My Documents\Holmes\_letterhead.doc

STRATEGY & PLANNING — Environmental Resource Management — Biodiversity Management Branch

15.11.2010

Mr Chris Rabie  
Head: Spatial Planning  
Department of Environmental Affairs & Development Planning (DEA&DP)  
Provincial Government Western Cape (PGWC)

Your ref 3/5/2

Dear Mr Rabie,

**Re: Declaring a Bioregion and publishing a Bioregional Plan for the Cape Town Municipal Area**

We have received a letter from the Minister, Anton Bredell, dated 23/9/2010 and addressed to Mayor Dan Plato, in response to our request to commence the process to declare Cape Town a Bioregion and publish a Bioregional Plan (in accordance with NEM:BA Act 10 of 2004, regulation 40(1)). The Minister grants permission for the City to commence with the process and outlines a process that must be followed. Ten organizations are indicated, as a minimum, to be represented on a project steering committee. A four phase process is outlined in the letter, each phase of which requires a 60 or 90 day public participation process.

We accept the above process and the four opportunities for public commenting. However, we would like to point out that owing to the long-term standing of conservation planning in the city and the integrated spatial planning process currently underway, the first two phases already have been completed, as follows:

1. The fine-scale, systematic conservation plan for the city (known as the Biodiversity Network) is a long-standing plan that will form the basis for the Bioregional Plan. Conservation planning work for the Biodiversity Network was initiated in 2001 and was informed by key stakeholder participation<sup>1</sup>. Since then, the Biodiversity Network has been updated several times (in 2006, 2008 and 2009) and now incorporates the latest national vegetation type mapping, national ecosystem targets and updated and ground-truthed biodiversity remnant and wetland information. It also forms part of the Western Cape Biodiversity Framework.
2. The Biodiversity Network forms a base layer, and is a key informant, in the Cape Town Spatial Development Framework (SDF), and eight District Spatial Development Plans (SDPs) and Environmental Management Frameworks (EMFs). These spatial plans have already had one round of public participation and will shortly go through a second public commenting period.
3. It has been agreed with the City Spatial Planning and Urban Design department that the relevant Bioregional Plan elements would be integrated into the City of Cape Town SDF, in order to facilitate alignment of the plans and ensure a clear hierarchy of planning documents in the City. The elements of the Bioregional Plan that are not covered in the SDF will be dealt with in either a Biodiversity Sector Plan or a published Bioregional Plan once the SDF has been approved by PGWC.

We would like to propose that we hold an initial meeting with the suggested steering committee representatives in which we share information on the Biodiversity Network, how it relates to the Bioregional Plan and other spatial plans and present our progress to date with the drafting of the Bioregional Plan. We would then seek a recommendation from the committee that the process

<sup>1</sup> City of Cape Town Biodiversity Network Prioritization Project Final Report (June 2004); [www.capetown.gov.za/environment](http://www.capetown.gov.za/environment) (go to: publications; reports & scientific papers)



could embark at the "first draft plan" phase as outlined by the Minister. The completed draft plan could then be submitted to SANBI, CapeNature and DEA&DP for comment.

If this is in order, we would like to approach DEA&DP for the contact details of representatives in each of the listed organizations to form the steering committee and set up the first meeting.



Dr P M Holmes  
Biophysical Specialist, Biodiversity Management Branch



16/11/2010

Mr O. Asmal  
Director: Environmental Resource Management Department

## Appendix 5: Bioregional Plan Process Meeting Dated 9<sup>th</sup> February 2011



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STRATEGY & PLANNING — Environmental Resource Management —

Biodiversity Management Branch

9.02.11

### Notes from meeting on CCT Bioregional Plan Process held at 44 Wale St, 9<sup>th</sup> February 2011

**Present:** City: Julia Wood (chair), Patricia Holmes, Arne Purves, Riaan van Eeden; DEA&DP: Willem Smit, [Marek Kedziora](#); CapeNature: Ernst Baard, Kerry Maree; SANBI: Jeff Manuel.

**Apologies:** Peter Grey, Keith Wiseman, Clifford Dorse (all [City](#))

The purpose of the meeting was to discuss a suitable process for declaring a bioregion and publishing a bioregional plan for the CCT (in line with NEM:BA 2004).

Jeff Manuel presented the required process as defined by SANBI/ DEA.

Pat Holmes and Arne Purves updated the meeting on the City's process to date, namely:

- A completed and updated fine-scale systematic conservation plan ([plan](#)) (Biodiversity Network).
- Delayed initiation of process by City Spatial Planning until the precedence of the various spatial plans resolved: agreement to first publish Cape Town Spatial Development Framework (CTSDF). The Biodiversity Network is a base layer in the CTSDf.
- Alignment of bioregional categories and Provincial spatial planning categories.
- A process to deal with conflict areas outlined.
- Letter to MEC (via DEA&DP) sent in August 2010 to request initiation of process.
- Response received in September 2010, with a four-phase process principle outlined.
- Letter to DEA&DP in November 2010 requesting a streamlining of this process, which led to this meeting as a suggested way forward.

### Main discussion points

- City: The Bioregional Plan (essentially the Biodiversity Network with land use guidelines) has been integrated into the CTSDf, SDPs and EMFs. As such it is part the public participation process and commenting periods for these processes. The City should therefore not need to go through all four separate phases of PPPs as stipulated by the MEC. The City has a record of all the comments and responses that relate to the environmental aspects of the CTSDf and these can be extracted and presented to DEADP as partially fulfilling the PPP requirement for the CT Bioregional Plan.
- SANBI: Port Elizabeth has integrated the two processes, but during the PPPs the Bioregional Plan is presented in parallel to the SDF, distinguishing the different legislation under which the [two](#) plans fall.
- DEA&DP: It is important that no step in the process as defined by the MEC is missed. It is therefore necessary to check that all stakeholders (includes all land owners) are suitably informed and can comment. Stakeholders need to be aware if the plan has implications for their properties in terms of development. Also the general public needs to be aware of the plan and have an opportunity to comment. The advertising of the Bioregional Plan has not been explicit in the CTSDf process.

- DEA&DP: However, if the CTSDF process and earlier Biodiversity Network PPPs adequately cover some of the steps in the Bioregional Planning process, then the evidence (in the form of comments and response documents, attendance lists etc) can be submitted and a decision taken to start the process at a more appropriate step. However, note that SANBI/ DEA must be satisfied that this PPP requirement has been met, otherwise the City may be referred back to the relevant stage of the process.
- DEA&DP: Once the Bioregional Plan has been published, all subsequent plans will need to align to it. This gives the identified biodiversity areas some legal status against potential future changes to the CTSDF. For it to have this legal status it must have been through a credible process.
- CapeNature: Other benefits of a Bioregional Plan include engagement of the public around the important biodiversity areas, the formal adoption of the CBA map by Province and the extra components such as monitoring of implementation and implementation tools.

### **Way Forward**

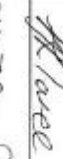


City will collate (early March) and submit reports on PPPs to DEA&DP to motivate for a shorter process. DEA&DP will decide whether there has been sufficient engagement to justify this. If so, a steering committee will be convened and a meeting arranged in order to discuss the draft plan and hopefully embark on the process.

Interim communication with identified stakeholders will be done electronically.



ATTENDANCE REGISTER

MEETING Bioregional Plan CCT - process meeting DATE 9/2/11

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Harold Keshiga	DEH+DP, TRP	0214832525	mkeshig@pque.gov.za	
Ernst Raard	CapeNature	0218668001	eRaard@capenature.co.za	
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Julia Wood	CCT	021-5144155	julia.wood@capetown.gov.za	
JEFF MANNEL	SANBI	0217998857	J.mannel@sanbi.org.za	
Kiaan van Eeden	Sports/Recreation CT	021 4039448	kiaan.vaneeden@capetown.gov.za	

Appendix 6: Comments and responses from the CTSDF public participation process.

Ref No	Contact	Comment Summary	Theme	City of Cape Town Response
<b>Comment Theme: The Natural Environment</b>				
6.4		Which areas are biodiversity areas? Uncomfortable with classification 'No natural vegetation - settlement'.	1. Environment	"No natural vegetation - settlement" has been taken of the map that shows the biodiversity network.
6.5		Need to map fire breaks as these could be used in battles over territory.	1. Environment	Noted. Will investigate the feasibility of doing this.
6.6		Need to map perennial rivers and streams. Refer to Map 6.4 wrt Bokkemanskloof area. This may affect future assessments of land use change.	1. Environment	The CTSDF uses GIS layers supplied by the relevant departments within the City. This comment has been referred to the relevant Department.
6.7		Small holdings along the Disa River should be shown as rural	1. Environment	The agricultural land study did not include "rural living" areas within the urban edge. Such areas have been shown as buffer 2 on the SDF (map 6.1).
6.8		.Definition of 'rural development' is problematic especially the reference to land reform.( 6.2.8 pg 58)	1. Environment	The definition has been edited on the basis of this comment.
24.7		The city should discuss the streamlining of planning processes with province e.g. NEMA processes	1. Environment	NEMA is national legislation and can only be amended by Parliament. The Provincial DEA&DP do lobby for change at a national level, and the City and DEA&DP have various forums for coordination and alignment of development assessment procedures.
39.1		Pleased to note that biodiversity has been given appropriate recognition in the SDF. However, there are some areas of conflict, where critical biodiversity areas (CBA's) have been earmarked for development. These should be highlighted in the SDF and where appropriate, earmarked for environmentally responsive development.	1. Environment	The biodiversity network, whilst a major informant into the CTSDF, is not the only informant. Planning is ultimately about finding a balance between competing objectives. The approval of the CTSDF as a structure plan does not negate the need to follow due process i.t.o. the application legislation i.t.o. NEMA & LUPO. The CTSDF provides a signal for the assessment of applications and states under section 1.3 "... other maps, figures and text in the CTSDF are included for illustrative purposes intended to broaden the general interpretation of the CTSDF and will act as informants to the interpretation of the statutory components of the CTSDF. The preparation of spatial plans and the assessment of development applications must therefore be guided by due consideration of these informants when interpreting the statutory components of the CTSDF."
39.2		Recommend the use of biodiversity offsets or a similar tool eg conservation tax, where there is to be a loss of natural habitat.	1. Environment	Agreed and incorporated into Policy P 25. The Bioregional Plan being drafted by the City will deal with this issue more comprehensively.

39.3		<p>Sand mining is a significant threat to biodiversity in the city. Support for the proposed policy in this regard.</p> <p>Concern re Critical Biodiversity Areas (CBA) and land SDF earmarked for development. Such conflicts should at least be highlighted to ensure appropriate controls / sensitive development.</p> <p>Encourage use of/consideration of tools incl: biodiversity offsets, conservation tax</p> <p>Encourage pro-active (not piecemeal) approach to formally protect high conservation priority areas</p> <p>Support policy of exploiting sand resources before development in order to minimise impact of sand mining on biodiversity</p>	1. Environment	Additional guidelines for avoiding and mitigating biodiversity conflict areas is provided in the District SDP / EMFs and will also be addressed in the Bioregional Plan.
42.1		<p>Section 3 : Add in that the loss of open space and surface connectivity between wetlands, rivers and the surrounding land has had a major impact on the biodiversity value and ecological functioning of, in particular, fresh water ecosystems. The city's natural and ecological services must include ecological corridors and not just critical biodiversity areas, wetlands and agricultural areas.</p>	1. Environment	Policy P26 has been edited to include this comment.
42.3		<p>Section 4.3 : None of the principles deal explicitly with the City's biodiversity.</p>	1. Environment	Noted but we do not agree as the following principles in the CTSDf adequately address the concern. "Work harmoniously with nature, reduce the city's ecological footprint, and introduce sustainable risk reduction measures" and "Adopt a precautionary approach to the use of resources, switch to sustainable patterns of resource use, and mitigate negative development impacts.
42.4		<p>Section 4.4 : Suggests extra wording in 4.4.2 ( relating to biodiversity and fresh water ecosystems etc) The problem of poor water quality in the city is not addressed in this section.</p>	1. Environment	Policy P26 has been edited to include this comment.
42.5		<p>Section 6: Policy 20 : Suggest more specific wording and to include a statement regarding the unacceptable water quality in most of the city's rivers and many of its wetlands.</p>	1. Environment	Comment is supported and has been incorporated into Policy P26.
51.2		<p>Essential to preserve our beautiful natural environment as this is one of the big attractions for tourists. Need more indigenous vegetation and a serious stand vs littering.</p>	1. Environment	Agreed.
56.3		<p>Table 6.1 (pg 61) should include a reference to urban agriculture and appropriate techniques including greenhouses and hydroponics.</p>	1. Environment	Agree with comment but feel this is too much detail for a citywide policy document such as the CTSDf.
61.4		<p>Far greater vigilance should be exercised to protect wetlands, river environs and estuaries.</p>	1. Environment	Agreed. The SDF adequately covers the land use related policies required.
62		<p>Disappointment that scant attention is being given to urban drainage and water sensitive urban design. Ecological services in the flood plains of rivers and wetlands are not given nearly enough attention.</p>	1. Environment	Policy 26 has been edited to address this concern, within the parameters of the CTSDf. A number of other departments within the City are responsible for protecting and managing water resources.

65.5		Public open spaces are vital and should not be sold off for development.	1. Environment	The comment has been considered. This is true for some areas. However, in other areas excessive and unmanaged public open space creates a security risk as well as other problems.
71.1		Motivates for the exclusion of the developable portions of portion 16 of farm No 220, Farm No 212, Farm No 221 and Farm No 222, Cape Town from the protected biodiversity corridor.	1. Environment	The information related to these sites on the maps has been checked and corrected
73.1		The proposed policies are not sufficiently clear or brave enough to address the environmental challenges facing Cape Town. Ecological services are fundamental to the survival of the city's residents and do not just benefit tourism.	1. Environment	Policy 26 has been edited to address this concern, within the parameters of the CTSDf. A number of other Departments within the City are responsible for protecting and managing water resources.
73.3		Need to promote a new culture of sustainable living and of sustainable development. Eg rain water tanks, waste management and urban agriculture.	1. Environment	Policy P30 & 31 have been edited to address this concern
73.4		The bio-physical constraints of the city need to be acknowledged eg identification of the carrying capacity of the city in terms of how many people with an acceptable quality of life can be sustained and secondly the size of the city's footprint.	1. Environment	Carrying capacity and ecological footprint are both influenced by the efficiency of resource use: Policies P30 and P31 of the SDF.
75.1		Comments refer to Philippi Horticultural Area (PHA). Urban edge should address the realities of this area to ensure its long term sustainability. Eg reduction of farmers over the last decade, uncontrolled informal settlements and illegal uses. Need to launch an integrated planning and design process for the PHA.	1. Environment	Arising from the City's evaluation of the RAPICORP application, a Philippi Horticultural Area Task team was set up and a rapid review of the PHA was undertaken involving a number of consultants. One of the recommendations of the review was for the City to investigate mechanisms to facilitate increased horticultural farming in the PHA. This internal study / review is currently underway - refer TOR: an Urban Edge and Development Guidelines Study for the Schaapkraal Smallholdings Area and Environs in the Philippi Horticultural Area (PHA) - 25 January 2011.
80.06		Quarries need screening policies; Mining areas should be rehabilitated	1. Environment	Policy 29 and related guidelines address this issue from the City's SDF perspective. The City also continues to engage with the Department of Mineral Resources in terms of monitoring and management of mine areas and rehabilitation.
85.02		Infrastructure: Map 3.1: Proposed developments in S Pen will impact negatively on Wildevolvllei	1. Environment	Agreed. The City is aware of this challenge.
85.03		Natural Environment: 3.1.2 Concern re loss of biodiversity, wetlands, agricultural land through uncontrolled urban encroachment and pollution	1. Environment	Agreed. Policy P25 and Policy 23 address this concern. In addition the City plans to prepare a Bioregional Plan. The Biodiversity Network will form the basis of the Bioregional Plan and is already integrated into the SDF and District plans.

85.07		Agricultural (map 6.5) areas should be identified in S Peninsula. Small areas can accommodate small-scale agriculture.	1. Environment	Noted. Further studies will take this comment into account.
86.04		SDF doesn't adequately address environmental issues. No real polices to minimise wasteful consumption.	1. Environment	Former policies P30 & P31 have been combined as Policy P30 and been edited to address this concern within the parameters of the SDF. A number of other City departments are charged with the responsibility of protecting and managing the use of natural resources and they have/ are drafting the necessary By Laws, strategies and concerns raised by the author.
86.11		Concern re Agri to Industrial rezonings along Kommetjie Road and the impact of this on the wetlands	1. Environment	An environmental assessment will need to accompany a rezoning application that covers a site with wetlands.
86.14		Environment: Cape Floral Region World heritage Site: There is no reference to CFRWHS legislation, Buffer zone management Plan & identity of the Management Authority	1. Environment	The CTSDf is a spatial plan which has been prepared at a metropolitan scale and intended to establish high level principles, goals and spatial strategies. Author referred to policies P25 - P29.
86.15		Vision statement: In light of unique natural environment (Both Cape Floral Region World heritage Site and National Park in city) a more appropriate vision statement would be: "To, by 2040, ensure that CT is an inspiration to the world showing how urban planning sensitive to the surrounding unique natural heritage is able to sustain an economically vibrant city which enriches the health and well-being of all who live in it or are attracted to visit it."	1. Environment	The author raises a valid point but it is beyond the scope of the CTSDf to change the vision statement. The vision statement is part of the draft City Development Strategy (CDS) which is currently being discussed with stakeholder groupings. These comments will be forward to the CDS drafting team.
88.01		Environment: Concerns regarding attention given to environmental issues including the overemphasis of the importance of "immediate physical and economic urban development". It is argued that "...environmental sustainability is paramount". Planning for the future development of Cape Town should be revised to include greater professional environmental understanding" and it is requested that sufficient and suitably qualified environmentalists be involved in the planning process.	1. Environment	Agreed. The CTSDf maps indicate the areas in which the environment should be paramount.
93.18		Support policies however: wind turbines on erven are undesirable due to noise factor, safety, insufficient wind levels in Noordhoek, aesthetically displeasing. Recommend that wind power be built on large properties >10ha away from residences and consist of larger units spread in appropriate locations throughout the City to provide a grid that supplements and balances overall power system.	1. Environment	Former policies P30 & P31 have been combined as Policy P30 and been edited to address this concern.
93.19		Recommend that roof top thermal and photovoltaic panels be considered. Bylaws which promote feeding into City grid should be a priority to encourage homeowners to invest.	1. Environment	The City and Provincial Government of the Western Cape are already dealing with this issue.



95.22		SIA - There are inherent contradictions like maintaining land for urban agriculture while promoting industrial development.	1. Environment	Planning is ultimately about balance, the challenge is to find an appropriate middle ground / land use distribution which promotes sustainable forms of production and minimises negative externalities / impacts.
95.24		The restoration of degraded areas must be emphasized.	1. Environment	Supported , addressed in Policy P25.
95.31		It is important to increase the amount of space for food production - NB agricultural zoning and methods of food production.	1. Environment	Agree with comment at the level of principle
95.32		As wine farming is integral to the economic value of Cape Town there needs to be reference to the land used specifically for this purpose.	1. Environment	The areas of high potential and unique agricultural land and those of significant value shown on Map 5.7 and policy P28 address this comment adequately
95.34		Biodiversity must not be linked to pockets for tourists, but to genuine conservation efforts.	1. Environment	Supported. Refer to District SDPs for more information.
95.63		P20 - Critical that extensive infrastructure upgrades be commissioned Clamp down on illegal water extraction and promote reduction of water demand	1. Environment	Policy P26 has been edited to include this comment.
95.68		P30 - This Policy is short on detail. The City is paying insufficient attention to the issue of energy demand. There is no reference here to recycling water.	1. Environment	The CTSDF is a spatial plan which focuses specifically on spatial strategies. Refer to policy P30. Comment passed on to water dept.
95.70		P48 - Policy supported, but reality appears to be stronger than any written word. (Princess Vlei proposed Shopping Mall)	1. Environment	This comment relates to a development application and should more appropriately be submitted as a public comment on the application.
95.71		P49 Insufficient attention is currently being given to protection of areas of biodiversity, such as Princess Vlei, where serious consideration is still being given to the building of a shopping mall, which the CTSDF cautions against elsewhere. Dependent on the outcomes of the District SDPs.	1. Environment	The proposed Princessvlei shopping centre pre-dates the SDF and has received a positive Record of Decision from DEA&DP. However, no final decision has yet been made as the ROD lapsed and DEA&DP must consider whether it should be extended.
96.11		In this age of climate change, peak oil, limited water and electricity resources, the SDF should favour a vastly different economic model. The economy should thus be redirected to enhancement of the environment. New development and densification (redevelopment), whether residential, commercial or industrial must include solar geysers. Rain-water tanks would not only save water but would mitigate against hard surfacing and urban runoff that accompanies densification. Supply of these components would help to enhance the environment and add to the economy. Nutrient rich water from waste water treatment plants could be used for irrigation for small scale farming activities and sports fields etc. The report lacks imagination in terms of solutions. Policies that seek to grow both the City and the economy at the expense of the global and local environment are not supported.	1. Environment	The comment has merit. The CTSDF's transport and growth management strategies support this view Sections 5.1.4, 5.1.5, 5.2.1 and 5.2.3 support this.

96.12		A serious omission is the Cape Floral Region World Heritage Site (CFR WHS). Although the CFR WHS is mentioned in the Draft SDF Technical Report, there is no reference to (a) the relevant WHS legislation; (b) a Management Plan for the Buffer Zone; and (c) the identity of the Management Authority.	1. Environment	Table Mountain National Park is one of the eight protected areas in the Western Cape proclaimed in 2004 as World Heritage Sites in terms of the World Heritage Convention Act 49 of 1999. Management of the area is the responsibility of SAN Parks. Management of the TMNP and City interface is coordinated by a bilateral forum.
96.13		This CFR WHS was proclaimed to protect the area's biodiversity and ecological processes. The TMNP is merely a management agency for protecting the biodiversity and ecological processes on the publicly owned land. The privately owned land is proclaimed "Buffer" in spite of the fact that large portions could (in regard to their biodiversity and ecological processes) qualify as "Core". Their protection is therefore imperative, irrespective of ownership. A Management Plan for the CPPNE (Buffer Zone land outside the TMNP) must be established in terms of The National Environmental Management: Protected Areas Act (No. 57 of 2003). The CPPNE was established long before the 2003 Protected Areas Act was promulgated. Section 28 (7) of Act 57 of 2003 states that an area which was protected before this section took effect, must be regarded as having been declared as such in terms of this section. The CPPNE is therefore a protected area in terms of this Act. This status must be reflected in the Draft SDF Technical Report. The proclamation of the CFR WHS refers to each property that is included in the Core and Buffer zones of the Peninsula Section of the CFR WHS. The Proclamation can be easily obtained on the Internet. As far as we know all the properties are designated outside the Urban Edge.	1. Environment	The CPPNE and TMNP boundaries have been added to the biodiversity and agriculture map in the SDF. The City works closely with TMNP to continue to expand the protected and managed areas of the park and to manage development in the buffer areas around the park. Proclamation of the CFR WHS refers to the TMNP and not the larger CPPNE area (see <a href="http://whc.unesco.org">http://whc.unesco.org</a> ) and covers the proclaimed park area of about 17 000 ha.
96.17		The implementation of an EMF in order to mitigate the effects of the SDF does not meet the legal requirements	1. Environment	EMFs have been integrated into the District SDPs in order to guide development decisions in terms of both NEMA and LUPO. The EMFs are not intended to mitigate the impact of the SDF, but to inform the location and form of development.
96.26		We note that urban agriculture is accommodated within the SDF but there is no indication of where this could be located. Surely the smallholding area adjacent to the wetlands would ideally suit this purpose? Quality soil is not the only criterion for agriculture to succeed. New methods of crop production that are not reliant on soils exist and could be employed to contribute to food security in the valley. There is no mention in the draft document of Eco or Agri villages in appropriate locations. Creative use of agricultural zoned land that would contribute to the tourist experience, offer employment opportunities and which would generate revenue from tourism should be encouraged.	1. Environment	Policy P28 has been edited to incorporate the content of this comment.

100.25		Biodiversity needs a section of its own, as well as its own strategy	1. Environment	The CTSDF has to address a broad range of concerns in a balanced way. Map 6.1 incorporates a bioregional map. The Bioregional Plan that is being drafted by the City is the more appropriate vehicle for addressing the management of biodiversity.
100.26		Agricultural land needs its own section and its own strategy. Agricultural land is a topic dealt with inadequately. All agricultural land (not just prime land) needs protection. It should be one of the goals of the CTSDF to secure agricultural land (even if not for immediate use) – for future local food production, for conservation of winelands, for recreational gardening, for educational and recreational agriculture, horse riding and public open space.	1. Environment	It would be inappropriate for it to have its own strategy. The agricultural study used a broad range of factors to identify the areas of greatest value. The Development Edges policy P23 and more specifically Table 5.5 also addresses this concern. Policy P 28 has been edited to include existing farmed areas.
100.27		TMNP is not mentioned. No mention of a baboon strategy. There are no goals, key principles or strategies to plan how the Cape Peninsula (mosaic between TMNP and City) should function as one ecological and spatial system. TMNP needs its own plus a strategy in CTSDF to be complete.	1. Environment	The TMNP is shown in the biodiversity and agriculture maps of the SDF and included, together with Provincial and Local Authority protected areas, in the biodiversity network. The management of individual species, such as baboons, cannot be addressed at a city wide scale such as the SDF.
101.13		Explain "peak oil" in the 2nd bullet under 8.3	1. Environment	Peak oil is the point in time when the maximum rate of global petroleum extraction is reached, after which the rate of production enters terminal decline. This concept is based on the observed production rates of individual oil wells, and the combined production rate of a field of related oil wells. It raises warning bells about Cape Town's dependence on motorised transport and the inefficiencies of the city's current form.
101.16		What does the reference to "peak oil" mean in the introduction?	1. Environment	<b>Peak oil</b> is the point in time when the maximum rate of global petroleum extraction is reached, after which the rate of production enters terminal decline. <sup>[1]</sup> This concept is based on the observed production rates of individual oil wells, and the combined production rate of a field of related oil wells. It raises warning bells about Cape Town's dependence on motorised transport and the inefficiencies of the city's current form.
102.1		In terms of the Municipal Systems Act a Strategic Impact Assessment (SIA), evaluating the impact of the citywide and/or district level plans must be undertaken, but the CTSDF suggests that this is included as a longer term, medium term or shorter term product. This makes no sense- the SIA must be undertaken before the CTSDF is considered, and certainly before any CTSDF is accepted. Without it, the city and Civil Society is in no position to determine whether the CTSDF is acceptable or not and there is an opportunity for unscrupulous developers to seize opportunities before the SIA, District SDFs and	1. Environment	A Strategic Impact Assessment was undertaken in 2007 and informed the preparation of the SDF. A summary of strategic impacts is included in the CTSDF.

		Local SDFs are implemented.		
102.13		Support water demand management and well managed and sustainable limited use of aquifers, water-recycling, and desalination but we don't believe that sufficient attention is being given to demand management, particularly at the level of Industry and the very wealthy.	1. Environment	Former policies P30 & P31 have combined as Policy P30 and been edited to address this concern within the parameters of the SDF. A number of other City departments are charged with the responsibility of protecting and managing the use of natural resources and they have/ are drafting the necessary By Laws, strategies and concerns raised by the author.
102.34		P19 - We are concerned that insufficient attention is currently being given to protection of areas of biodiversity, such as Princess Vlei, where serious consideration is still being given to the building of a shopping mall, which the CTSDF cautions against as being bad for small businesses.	1. Environment	The proposed Princessvlei shopping centre pre-dates the SDF and has received a positive Record of Decision from DEA&DP. However, no final decision has yet been made as the ROD lapsed and DEA&DP must consider whether it should be extended.
102.35		P20 - We support this policy, pending the general acceptance by Civil Society of District SDFs and Local SDFs, but note that, while there is minimal mention of minimising demand for water under LUM guidelines, there is no mention of reducing demand in the Means/Required column, and no detail about how this will be done. Because this is absolutely critical to protection of water systems, we are deeply disappointed at the lack of attention to this area.	1. Environment	Former policies P30 & P31 have combined as Policy P30 and been edited to address this concern within the parameters of the SDF. A number of other City departments are charged with the responsibility of protecting and managing the use of natural resources and they have/ are drafting the necessary By Laws, strategies and concerns raised by the author.
102.36		P22 - We support this policy, pending the general acceptance by Civil Society of District SDFs and Local SDFs, but note that the recent decision by Mayco to recommend the extension of the urban edge at Uitkamp does none of this.	1. Environment	No comment required
102.46		P30 + P31 are short on detail. The City is paying insufficient attention to the issue of energy demand, That there is no reference here to recycling water and desalination of water.	1. Environment	Former policies P30 & P31 have combined as Policy P30 and been edited to address this concern within the parameters of the SDF. A number of other City departments are charged with the responsibility of protecting and managing the use of natural resources and they have/ are drafting the necessary By Laws, strategies and concerns raised by the author.
102.47		P34 - With regards the recommendation that the City develops management partnerships with ratepayers associations, we have grave concerns about the latter. It is not the role of ratepayers associations to undertake management which is the responsibility of the City.	1. Environment	Agreed. This recommendation has been deleted.
103.10		The maintenance of environmental integrity, as defined by ecological, economic and social criteria must be a primary determinant of land use planning	1. Environment	Agreed.

103.16		The CTSDf needs to restore credibility by focusing on need for legally binding aspects of CMOS and CPPNE to be protected;	1. Environment	The CMOS concept has been superceded by the bioregional planning categories specified in the Provincial Spatial Development Framework. The PSDf is approved in terms of S4(6) of LUPO . See appendix C(i) for more details. The development guidelines are outlined in the relevant District SDP. Similarly, the CPPNE remains a protected area status, but has been superceded largely by the proclamation of the TMNP. Development activities within the CPPNE remain subject to the management guidelines established for those areas.
103.17		The biophysical environment should come first – political pressure must be resisted to prevent precedent setting erosion of natural resources;	1. Environment	Agreed but is also important to note that City has the unenviable task of having to manage growth and create a balance between urban development and environmental protection.
103.21		Support for concerns expressed regarding climate change, hydrological, energy, food and oil.	1. Environment	No comment required
103.23		Slavish position around market trends in Resilience and Adaptivity section	1. Environment	Change and growth are inevitable. What is important is how the city chooses to deal with them. The CTSDf makes it clear that urban development must respect the presence, role and function of natural assets (see Section 4.3).
103.24		Green anchors supported	1. Environment	No comment required
103.6		Extensive comment provided on a 2007 document produced by the City by Ninham Shand entitled Strategic Assessment of the Environmental and Heritage Impacts of the CTSDf process – concern that there has not been a process of this sort to review environment and heritage impacts to knowledge of WESSA. Comments relating to the 2007 Ninham Shand document and cross referenced to the CTSDf include: (1) Avoid impacts of development as opposed to mitigation to prevent unsustainable cumulative impacts. (2) CTSDf suggests a less precautionary approach than that advocated by PSDf and MSA, Need for sustainability criteria, (3) CTSDf must address limitations noted by 2007 Ninham Shand document,	1. Environment	The 2007 Strategic Impact Assessment informed the preparation of the SDF, along with a number of other research documents and investigations. The SDF is intended to guide development towards appropriate areas and sustainable forms of development, promoting public welfare and sustainability whilst protecting natural and heritage resources.
103.7		Recommendations for inclusions under Policy 21 under what this means / requires from Integrated Coastal Management Act – The City will implement relevant provisions of the Integrated Coastal Management Act (No.24 of 2008) to ensure that the use and enjoyment of the coastal environment are sustainable (act provisions quoted in comment	1. Environment	Reference to this act has been included in this policy - see Policy P27.
105.6		Cumulative impacts in Fishhoek and Noordhoek are being experienced in the form of: Toxic algal blooms in Wildevoel vlei, Road pavement breakup, Traffic congestion, Baboon human conflict, Loss of public views, Solid waste water generation, Freshwater supply pressures. It is urgent that the SDF paves the way for a more sustainable and cautious approach to development in	1. Environment	The City is aware of these challenges. They are beyond the scope of the SDF to address. The IDP and 15 year growth management plan are the more appropriate vehicles for addressing them.

		Kommetjie.		
105.7		The CTSDF must take into account a resource constrained future in its planning i.t.o. land use, density, connectivity, proximity and other urban form attributes to mitigate against risks of excessive costs from declining food security, global warming, rising fuel prices, building costs, traffic congestion, welfare costs and reduced economic competitiveness.	1. Environment	Agreed.
105.8		Recommend that strengthened emphasis be afforded to climate and resource constraint challenges given the long time frames it takes to implement policies to mitigate against these challenges. The schedule of tasks arising out of policy statements in Appendix G only features 2 minimal priority actions with respect to climate change reflecting that climate change is not a high priority.	1. Environment	This concern is addressed by the CTSDF in the following principle "Adopt a precautionary approach to the use of resources, switch to sustainable patterns of resource use, and mitigate negative development impacts".
105.9		The Green paper re: National Climate Change Response strategy requires alignment of local govt. policies and strategies (in its current form) – it identifies critical loci in which national responses to climate change are to be located, particularly with regard to urban form, livelihoods and human settlement patterns – it is imperative that this strategy is held firmly in the SDF.	1. Environment	The provisions of the National Climate Change Response Strategy are supported by the City and have, to the extent that is feasible, been incorporated into the CTSDF.
108.1		Further submission. Suggests Biodiversity Act 2004 definition for ' diversity. Open space needs to be put aside for the protection and enhancement of aquatic biodiversity and ecological functioning. Not only consumptive uses ( i.e. water supply) but also non consumptive uses ( ie using rivers etc for discharge of waste) need to be managed sustainably.	1. Environment	Agreed, the definition has been edited on the basis of this submission.
113.1		SDF does not indicate how the anticipated water shortage will be confronted eg rain water harvesting, use of grey water etc.	1. Environment	Policy 26 has been edited to address this concern, within the parameters of the CTSDF. A number of other Departments within the City are responsible for protecting and managing water resources.
124.02		Water conservation and demand management not given enough attention in SDF More attention should be given to waste treatment works and the capacity of existing bulk infrastructure to carry additional load especially in rapidly developing areas	1. Environment	The CTSDF is a spatial plan which focuses specifically on spatial strategies. Refer to policy P30. Comment passed on to water dept.
125.3		More attention should be given to Water and water quality and food security	1. Environment	The CTSDF is a spatial plan which focuses specifically on spatial strategies. Refer to policy P30. Comment passed on to water dept.
14.1		Object against massive development planned for Gordon's Bay. Degradation of the earth & housing delivery	1. Environment	The City is unable to amend existing development rights. Policy P43 deals with issues related to the quality of the built form.

72.1		Refers to Cape Farm 609-06 Philippi. The entire block of land bounded by Lansdowne Rd, Vanguard Drive and Duinefontein Road has been indicated as a wetland on the SDF. This designation is incorrect as it does not take into consideration existing zoning, guide plan and permitted uses and actual wetland status of the land.	1. Environment/ mapping	Noted and plan has been corrected.
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## **Appendix 7: List of public and stakeholder engagements on the Biodiversity Network:**

### **For the Period: 2008 -2011**

The Biodiversity Network is regularly presented and /or work-shopped with various organizations and bodies. The presentations focus on the science behind the BioNet as well as its interpretation and implementation.

Following is a list of the main presentations and workshops held since 2008:

#### **2008**

- All seven City Sub-council cluster meetings – 18 & 20 Feb, 11, 15<sup>th</sup> & 21<sup>st</sup> April 2008.
- Friends of the Liesbeek River AGM – 7 May 2008
- Urban Biodiversity and design conference, Erfurt Germany -22 & 23 May 2008.
- Fynbos Forum – 6 August 2008
- Bionet Partners Workshop with external Partners – 14 August 2008
- Department of Environmental Affairs and Development Planning (DEA&DP) Heads of Departments– 06 October 2008.
- City of Cape Town: Strategy and Planning Departmental Meeting: – 17 October 2008
- Zandvlei Trust AGM – 10 December 2008
- STRIDE – 23 October 2008

#### **2009**

- City of Cape Town Planning and Building Development staff – 8 districts: A – H. 26, 28, 29 & 30 Jan; 3, 4, 11 & 20 Feb 2009
- City of Cape Town Environmental Resource Department staff – 8 districts: A – H. 26, 28, 29 & 30 Jan; 3, 4, 11 & 20 Feb 2009
- City Town Planners – 3 February 2009
- Department of Environmental Affairs and Development Planning (DEA&DP) Region B1 (Overberg district) staff – 5 February 2009



- Department of Environmental Affairs and Development Planning (DEA&DP) Region B2 (West Coast district) staff – 5 February 2009
- Department of Environmental Affairs and Development Planning (DEA&DP) Region A2 (Boland district staff) – 5 February 2009
- The Developers Forum – 16 February 2009
- The Nelson Mandela Bay Municipality Bilateral - 20 February 2009
- The City of Cape Town Executive Management Team (EMT) -24 February 2009.
- The Sand River Catchment Forum - 23 February 2009
- Table Mountain National Park Land Consolidation Forum – 5 March 2009
- International Association for Impact Assessments South Africa (IAIASa) Workshop: Environmental Assessment Practitioners - 4 March 2009
- IAIA Specialists workshop – 5 March 2009
- Biodiversity Planning Forum, Kwa-Zulu Natal 10-13<sup>th</sup> March 2009
- City Interns – 16 March 2008
- The Wildlife and Environment Society of South Africa (WESSA) AGM – 17 June 2009
- CCT: Transport Roads & Stormwater Portfolio Committee - 2 April 2009
- CCT: Housing Portfolio Committee – 6 April 2009
- CCT: Utilities Portfolio Committee – 6 April 2009
- CCT: Community Services Portfolio Committee – 7 May 2009
- CCT: Economic Development (ECONDEV) Portfolio Committee – 7 May 2009
- CCT: Planning and Environment Portfolio Committee (PEPCO) – 7 April 2009
- CCT: Health Portfolio Committee – 7 April 2009
- CAPE Partners Conference and Market Place – 13 May 2009
- Bellville Probus Club – 19 June 2009
- Mowbray Garden Club – 12 June 2009

## 2010

- DEA&DP planners - 27 May 2010
- Urban Ecology Lab, Environmental and Geographical Science Department, UCT – 25 August 2010
- IAIA – 7<sup>th</sup> October 2010

## 2011

- An interview on the CoCT Reserve Proclamation Process and the value of Cape Town's Biodiversity was presented on Radio 786 on the 3<sup>rd</sup> February 2011.
- Six advertised public open days were held across the CoCT during February 2011. The public were invited to review and comment on the proposed reserve boundaries and IRMP's.
- A presentation on the ERMD Biodiversity Branch activities was given to the ERMD Interns on 22<sup>nd</sup> March 2011.
- DEA&DP biodiversity section and environmental case officers – 28, 29, 30 March 2011.
- At an Opinion Leaders event on the 5<sup>th</sup> May 2011, Alderman Watkyns presented on the importance of Cape Town's biodiversity and what the CoCT is doing to protect it.
- Talk to the Botanical Society Volunteers on the BioNet and its implementation. 10<sup>th</sup> May 2011
- Biodiversity Network methodology talk at the BioNet and Climate Change workshop, which had stakeholders present from City ERMD, CRSM, CapeNature, UCT, SANParks, SANBI and private consultants. 22 June 2011.
- Presentation to the Constantia Valley garden Club on the BioNet and its implementation. 7<sup>th</sup> October 2011.
- A presentation was given at the 20<sup>th</sup> year anniversary celebration of the Koeberg Nature Reserve on the 17<sup>th</sup> October 2011.
- Talk on BioNet and implementation to IBSA (Indigenous Bulb Society of SA) on 29<sup>th</sup> October 2011.
- A presentation detailing CoCT's spectacular biodiversity was given to the Old TOFF's group in Tokai on the 01<sup>st</sup> November 2011.

## Appendix 8: City of Cape Town Letter Dated 09 May 2011



44 Wale St  
Cape Town 8001  
Ask for: Mr O Asmal  
Tel: 021 487 2200  
Fax: 021 487 2339

Email: [osmans.asmal@capetown.gov.za](mailto:osmans.asmal@capetown.gov.za)  
Website: [www.capetown.gov.za](http://www.capetown.gov.za)  
Ref:

44 Wale St  
Cape Town 8001  
Cela: Mr O Asmal  
Umnxeba: 021 487 2200  
Ifekazi: 021 487 2339

44 Wale St  
Cape Town 8001  
Vra vir: Mr O Asmal  
Tel: 021 487 2200  
Faks: 021 487 2339

STRATEGY & DEVELOPMENT — Environmental Resource Management

2011-05-09

Mr Chris Rabie  
Head: Spatial Planning  
Department of Environmental Affairs & Development Planning  
Provincial Government Western Cape

Your ref 3/5/2

cc. Marek Kedzoiija (DEA&DP), Willem Smit (DEA&DP), Tammy Smith (SANBI), Jeff Manuel (SANBI), Ernst Baard (CapeNature)

Dear Mr Rabie,

### **Re: Process for publishing a Bioregional Plan for the Cape Town Municipal Area**

Further to our last correspondence, dated 15<sup>th</sup> November 2010, and subsequent email correspondence with Mr Willem Smit, a meeting was convened on 9<sup>th</sup> February 2011 to discuss the proposed process for publishing a Bioregional Plan for the Cape Town Municipal Area (see appendices for list of participants and notes from the meeting).

At the 9<sup>th</sup> February meeting, City proposed that phases 1 and 2 in the process principle table outlined by the Minister (in his letter dated 23<sup>rd</sup> September 2010) have already been completed, as follows:

**Phase 1:** “*Status quo, goals, problems & issues*”: The status quo is the current status of biodiversity in the city and is reflected in the Biodiversity Network which identifies the Critical Biodiversity Areas and Ecological Support Areas for terrestrial and aquatic ecosystems and species across the metropole. The Biodiversity Network is aligned to the national biodiversity targets and priorities, and is thus representative of regional and national biodiversity goals. The Biodiversity Network is the name of the Critical Biodiversity Area map for the metropole that forms the basis for the Bioregional Plan. It has been incorporated into the City’s spatial plans, namely the Cape Town SDF, SDPs and EMFs. Thus problems and issues with the Biodiversity Network have been raised through the public participation process for the SDF. These are listed in the comments and response document (see appendix).

**Phase 2:** “*Spatial perspective, objectives and principles*”: The spatial perspective of the Biodiversity Network is presented in its entirety in the Cape Town SDF as a key base layer. The notion of Critical Biodiversity Areas has already been pulled through into the SDF and the categories have been aligned to those of the Provincial SDF. The intention to prepare a Bioregional Plan is listed as a specific action in Policy Statement no. 25 of the Cape Town SDF. **Two** rounds of public participation have been completed for the SDF.

The February 9<sup>th</sup> meeting resolved that City submit evidence to DEA&DP on the Phase 1&2 public participation processes in order for the Department to decide whether sufficient engagement has occurred to justify moving on to Phase 3 (*First draft plan*). In addition to the comments and response document, a list of other public engagements is appended which indicates the breadth of communication relating to the Critical Biodiversity Area map (i.e. Biodiversity Network) and its implementation.

We thus request that should the Department consider the above sufficient for completion of Phases 1&2 public participation, that we complete one last step under Phase 2, which is to engage with the proposed project steering committee representatives. We intend to contact representatives by email, establish whether they are willing to be part of the process and request a decision on whether they would prefer a workshop or email correspondence to enable commenting on the first draft plan. The proposed timeline for the way forward in Phases 3&4 is as follows:

Step	Aug-Sept 2011	Oct-Nov 2011	Nov-Dec 2011	Feb-Mar 2012	April - ? 2012
Draft CBA map, biodiversity profile, guidelines etc completed					
Draft CBA map, biodiversity profile, guidelines etc circulated for comment to key stakeholders & steering committee; comments incorporated					
Final Draft CBA map & documents submitted to SANBI					
SANBI comments incorporated					
Draft plan submitted to Minister for public participation process					
Declaration/ implementation of the plan					

Yours sincerely,

Ms J. Wood  
Acting Director  
Environmental Resource Management Department  
City of Cape Town

#### List of Appendices

1. Participants at 9<sup>th</sup> February 2011 meeting
2. Notes from 9<sup>th</sup> February 2011 meeting
3. CT SDF Final Draft (2010) response to comments received: Comment Theme - The Natural Environment
4. List of public and stakeholder engagements on the Biodiversity Network

## Appendix 9: DEAD&DP Letter Dated 6<sup>th</sup> June 2011



DEPARTMENT OF  
ENVIRONMENTAL AFFAIRS  
& DEVELOPMENT PLANNING  
Provincial Government of the Western Cape

### ENVIRONMENTAL AND SPATIAL PLANNING

Melissa.Naiker@pgwc.gov.za  
Tel: +27 21 483 2885; Fax: +27 21 483 4527  
1 Dorp Street, Cape Town, 8001  
www.capegateway.gov.za

**REFERENCE:** E17/3/3/1/3  
**ENQUIRIES:** MN Naiker

The Director  
Environmental Resource Management  
City of Cape Town  
44 Wale Street  
Cape Town  
8001

(For attention: Mr. O. Asmal)

### PROCESS FOR PUBLISHING A BIOREGIONAL PLAN FOR THE CAPE TOWN MUNICIPAL AREA

1. Your letter in the above regard dated 5 May 2011, has reference.
2. With regard to your request for the Department of Environmental Affairs and Development Planning (hereafter referred to as Department) to consider phases 1 & 2 of the Process Principle outlined by the Minister (in his letter dated 23<sup>rd</sup> September 2010) as completed, the Department accepts that Phase 1 (Status quo, goals, problems & issues) has been identified and made known to the relevant stakeholders. Based on the evidence supplied by your municipality on the stakeholder engagement which has taken place with regard to the BIONET (City of Cape town Systematic Biodiversity Plan), the Department also accepts that Phase 2 (Spatial perspective, objectives & principles) has been adequately addressed as part of the Public Participation process in the compilation of the Cape Town Spatial Development Framework and that the intention to publish a separate Bioregional Plan was made known. The Department agrees that, as a final step in phase 2, you convene the proposed project steering committee and engage with the representatives appropriately.
3. In addition to the Department's requests, you are also to make adjustments to the work timelines for phases 3 & 4 to include the following recommendation which was raised by SANBI.
  - As part of the Bioregional Plan development process, your Municipality will be required to draw up a Process and Consultation report, which explicitly addresses the requirement that the bioregional plan is not in conflict with any other plans or frameworks. This, amongst other things, will need to address areas of conflict between the bioregional plan and other plans (e.g. the city's housing plan, or ESKOM's development plans, as relevant). There will need to be a record kept of

how these conflicts were resolved (including "compromises" that were agreed to), or if unresolved, what the conflict resolution process will be. This is therefore a very different report to that which was presented for consideration now. If there are any stakeholders who have not been engaged with, this needs to happen before the first draft of the plan is completed.

4. In conclusion, permission to proceed to phase 3 is granted, however the Department reiterates the need to ensure that the requirements as stipulated above and in the Guideline for Publishing Bioregional Plans are adhered to.

Yours faithfully



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**C. Rabie**  
**for HEAD OF DEPARTMENT**  
**DATE: 6 June 2011**

CC: Ms. J. Wood

## Appendix 10: Bioregional Plan Process Meeting Dated 31<sup>st</sup> August 2011



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Filename:

STRATEGY & PLANNING — Environmental Resource Management — Biodiversity Management Branch

### MINUTES OF BIOREGIONAL PLAN STEERING COMMITTEE

HELD ON WEDNESDAY 31<sup>ST</sup> AUGUST 2011 FROM 14:00-15:30  
AT 44 WALE STREET, 7<sup>TH</sup> FLOOR BOARDROOM: ERMD

ATTENDEES		
Patricia Holmes	PH	COCT: Biodiversity Management
Arne Purves	AP	COCT: ERMD
Julia Wood	JW	COCT: Manager Biodiversity Management
Graeme Williams	GW	DWA- Resource protection
Jeff Manuel	JM	SANBI
Mare-Liez Oosthuizen	MLO	DEA & DP
Melissa Naicker	MN	DEADP
Sean Bradshaw	SB	ACSA
Willem Smith	WS	DEA & DP
Dennis Laidler	DL	DEA&DP
Jan Du Plessis	JD	PGWC: Transport & Public Works
Kerry Maree	KM	CapeNature
Gerhard Hitge	GH	COCT: Transport
Douglas Chitepo	DC	Dept. of Agriculture
APOLOGIES		
Brenda Sudano	BS	COCT: Transport
INVITED (Absent)		
<u>Sivuvile Mpakane</u>		DMR
Justice Mavhungu		Eskom
Janette du Toit		Cape West Coast Biosphere Reserve

ITEM	DISCUSSION/DECISION	ACTION	STATUS
1.	<b>WELCOME &amp; INTRODUCTIONS</b>  • AP welcomed all to the meeting.	AP	Done
2.	<b>PURPOSE OF THE MEETING</b>  • AP informed that the purpose of the 1 <sup>st</sup> Bioregional Plan (PB) meeting is to inform what the PB is, the process of publishing a BP, the status of the BP and the timeline envisaged to complete.		
3.	<b>Presentation of background info on Bioregion &amp; BP &amp; Process (JM)</b>  • The presentation highlighted the purpose of the BP which is to inform land use planning and decision making by a range of sectors whose policies and decision impact on biodiversity.	JM	Done

	<ul style="list-style-type: none"> <li>It further highlighted two the elements of the BP, the first being a <b>map of critical biodiversity areas</b> (CBA) which are terrestrial and aquatic features critical for conserving biodiversity and maintaining ecosystems, and the second is the <b>accompanying land-use guidelines</b> for avoiding loss or degradation of natural habitat in critical biodiversity areas.</li> <li>To date BPs <b>have</b> been initiated by COCT, Nelson Mandela Bay Metro, Namaqua District Municipality and Gert Sibande District Municipality in Mpumalanga.</li> <li>JM informed that the BP should be reviewed every 5 years.</li> <li>Bioregional boundaries must align with administrative boundaries to ensure effective implementation of Bioregional plans</li> <li>SB asked whether there are funds set aside to assist land owners with conserving CBA land.</li> <li>PH replied that this is complex and depends on the priority of that land for conservation; other options such as rates rebates for owners could be pursued through stewardship agreements.</li> <li>JM informed that the BP does not grant or remove rights from land owners.</li> <li>KM informed of the CapeNature stewardship programme, however the programme is guided by their priorities and available funds.</li> <li>GW questioned whether aquatic vegetation within river systems was considered.</li> <li>AP replied that fresh water systems (rivers and wetlands) have been mapped and are incorporated into the fine scale conservation analysis. KM added that they are highlighted (on map) although at small scale they may not be visible.</li> </ul>	All	
4.	<p><b>Presentation on Phase 1 &amp; 2 Outcomes (PH &amp; AP)</b></p> <ul style="list-style-type: none"> <li>PH did presentation on current status of the BP process for COCT and also explained the COCT's CBA map, known as the Biodiversity Network and the various category descriptions.</li> <li>PH informed of meetings held internally and with DEAP. She also outlined that the Biodiversity Network has been a key informant in the SDF and has through the latter process already been subject to stakeholder and public scrutiny and comment. This same information forms the basis for the BP.</li> <li>The fine-scale systematic biodiversity planning for COCT done in 2009, will be updated later this year, to include Climate Change adaptation strategies.</li> <li>Current status of BP process: engaging with key stakeholders that have been identified.</li> </ul>	PH	done
5.	<p><b>Future process, timeline &amp; requirements of SC</b></p> <ul style="list-style-type: none"> <li>Climate change adaptation to be incorporated as a consideration in the latest Biodiversity Network update.</li> <li>SB questioned involvement of land owners.</li> <li>JM replied that public participation will be allowed within the BP process; at this stage only key stakeholders are engaged.</li> <li>KM stated that BP cannot be used to resolve conflicts. It will however detail a conflict resolution process to be followed.</li> <li>JW stated that the Process and Consultation report (attached as an</li> </ul>	PH, AP	



	<p>addendum to the BP) is critical.</p> <ul style="list-style-type: none"> <li>Each Dept. in PGWC comments on local IDPs. Focus should be on how to incorporate economic factors and social wellbeing (creating jobs) in the COCT's IDP.</li> <li>PH informed that Biodiversity Network will be updated by Nov/Dec; suggested that at least 1 meeting should be held before final draft document is circulated in mid Jan 2012, to then allow 3 weeks for comments. If no major issues BP will go to final stage.</li> </ul>		
5	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Other key stakeholders that should be included: Cape Winelands District Mun (Quinton Ballie) from the planning section in relation to the Cape Winelands Biosphere Reserve, SANPARKS &amp; SANRAL and Dept of Human Settlements.</li> <li>KM representing CapeNature enquired about possible conflict of interest by being on the SC, and then having to review the BP. Response: CapeNature will only review the technical aspects of the BP therefore no conflict of interest.</li> </ul>	PH, AP	
6	<p><b>Close</b></p> <ul style="list-style-type: none"> <li>Meeting closed at 15:30</li> <li>Date for next Steering committee meeting will be circulated later in the year.</li> </ul>	PH, AP	



## Appendix 11: Stakeholder Meeting 7<sup>th</sup> March 2012



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Ref:  
Filename:

STRATEGY & PLANNING — Environmental Resource Management — Biodiversity Management Branch

**MINUTES OF  
BIOREGIONAL PLAN STEERING COMMITTEE  
HELD ON WEDNESDAY 7 MARCH 2012 AT 13:00  
AT 44 WALE STREET, 7<sup>TH</sup> FLOOR BOARDROOM: ERMD**

ATTENDEES		
Keith Wiseman	<b>KW</b>	COCT: ERMD
Arne Purves	<b>AP</b>	COCT: ERMD
Patricia Holmes	<b>PH</b>	COCT: Biodiversity Management
Kerry Maree	<b>KM</b>	CapeNature
Providence Rapoo	<b>PR</b>	DEA&DP
Dennis Laidler	<b>DL</b>	DEA&DP
Melissa Naicker	<b>MN</b>	DEADP
Crispin Barrett	<b>CB</b>	COCT: ERMD
Schalk de Jager	<b>SdJ</b>	COCT: PBDM
Jan Briers	<b>JB</b>	DMR
Sivuyile Mpakane	<b>SM</b>	DMR
Sarmonay Smidt	<b>SS</b>	DEA&DP
Marbe Coetzee	<b>MC</b>	DEA&DP
Eldon van Boom	<b>EvB</b>	DEA&DP
Douglas Chitepo	<b>DC</b>	Dept. of Agriculture
Chad Cheney	<b>CC</b>	SanParks
APOLOGIES		
Brenda Sudano	<b>BS</b>	COCT: Transport
Nicky Covary	<b>NC</b>	COCT: Transport
Gerhard Hitge	<b>GH</b>	COCT: Transport
Marek Kedzieja	<b>MK</b>	PGWC:
Jeff Manuel	<b>JM</b>	SANBI

ITEM	DISCUSSION/DECISION	ACTION	STATUS
1.	<b>WELCOME &amp; INTRODUCTIONS</b> <ul style="list-style-type: none"><li>KW welcomed all to the meeting, representing Julia Wood.</li></ul>	KW	Done
2.	<b>WHERE WE ARE IN THE BP PROCESS</b> <ul style="list-style-type: none"><li>AP informed that according to the guideline document the process is currently on step 3. The draft BP has been completed and has been submitted to various stakeholders for comment.</li><li>Further informed draft BP will be submitted to SANBI for a technical review and to Council for approval. The two processes will run simultaneously.</li></ul>	AP	
3.	<b>Overview of the City of Cape Town Bioregional Plan</b>		

THIS CITY WORKS FOR YOU ESI SIXEKO SISEBENZELA WENA HIERDIE STAD WERK VIR JOU

	<ul style="list-style-type: none"> <li>➤ BioNet update <ul style="list-style-type: none"> <li>• The presentation by PH gave a brief overview of the methodology and how biodiversity climate change adaptation also was incorporated into the C-plan and Marxan analyses.</li> </ul> </li> <li>➤ Biodiversity Profile <ul style="list-style-type: none"> <li>• PH presentation gave brief overview of the City's biodiversity profile.</li> </ul> </li> <li>➤ Maps <ul style="list-style-type: none"> <li>• AP informed that the COCT Bioregional Plan maps are presented in a series of three Maps. Map 1 is the terrestrial CBAs, Map 2 is the Wetlands and Rivers and Map 3 is a composite map.</li> </ul> </li> <li>➤ Guidelines <ul style="list-style-type: none"> <li>• Strategic guidelines for each Spatial District Plan have not been repeated in the BP.</li> </ul> </li> <li>➤ Additional measures for effective management <ul style="list-style-type: none"> <li>• AP informed that measures for the effective management of Biodiversity have been included in the BP.</li> </ul> </li> <li>➤ Monitoring and Review <ul style="list-style-type: none"> <li>• The City has several programmes, initiatives and reporting protocols that are on-going which can be used as sources for monitoring data for the Bioregional Plan.</li> <li>• The BP will be reviewed every five years; however the BioNet will be updated every 2-3 years.</li> </ul> </li> </ul>		
4.	<p><b>General discussion and comments on the Bioregional Plan</b></p> <ul style="list-style-type: none"> <li>➤ Question &amp; Answer session <ul style="list-style-type: none"> <li>• <i>The risk of running the two processes simultaneously, submitting the draft BP to SANBI and to Council.</i></li> <li>• BP to be submitted to SANBI for technical review. KW stated that the BP will be submitted to Council to obtain approval/mandate to submit to the Minister.</li> <li>• <i>KM enquired why the Spatial Plan would be reviewed every 2-3 years.</i></li> <li>• AP informed that five years is too long to review the BioNet Spatial Plan. PH stated that the analysis done every few years owing to rapid changes occurring in the city.</li> <li>• <i>DL enquired whether it is a plan or map of status quo;</i> stated that there should be a plan in place that outlines the objectives for the future, should also indicate what was lost.</li> <li>• PH informed that there is an implementation strategy in place.</li> <li>• SM stated that the all considerations should be included i.e. mining development also to include other departments in discussions.</li> <li>• PH informed that other stakeholders were invited e.g Eskom, ACSA and the Biosphere Reserves to give comment.</li> <li>• DC stated that the Dept. of Agriculture has given their input.</li> <li>• MN enquired whether the SDP was incorporated in the BP.</li> <li>• Conflicts listed and potential ones will be dealt with by the City processes.</li> <li>• DL stated that it is important to consider latest information in EIA. Further</li> </ul> </li> </ul>	<p>KW</p> <p>KM</p> <p>KM</p> <p>DL</p> <p>DC</p> <p>KW</p>	

	<p>that decision makers to consider plan that will result in achievement of the BP.</p> <ul style="list-style-type: none"> <li>● KM stated that it is also important to identify how to deal with conflicts.</li> <li>● KW stated that on mining the City commissioned the Council for Geo-Science to establish economic viability of resources.</li> <li>● SM stated that data obtained by the Council for Geo-Science might not be up to date and may only give data of resources, and not be well placed to assess whether the resource is economically viable. Proposed that Dept. of Minerals (DMR) and City work together. DMR could supply City with data of rights granted to farms.</li> <li>● CC enquired whether Protected Areas were considered CBAs under NEMA and whether it is clearly defined in the BP.</li> <li>● JB enquired about steps taken by the City to address land degradation.</li> <li>● PH that there is a huge challenge with illegal dumping. Also informed that there is a conservation stewardship initiative with private land owners.</li> <li>● SM stated that maps should be revised to include current status quo.</li> <li>● KW informed that Ground Truthing was done.</li> <li>● PH indicated that biodiversity teams visited most properties with natural vegetation remnants across the City, but that mapping does need to be continuously updated.</li> <li>● DL informed that most critical biodiversity areas are inspected by experts in the case of a development application.</li> <li>● KM informed that CBA, does not have to be pristine area, can be degraded but still falls within the CBA.</li> </ul> <p>➤ Commenting process</p> <ul style="list-style-type: none"> <li>● All comments and record of meetings will be submitted with the BP.</li> <li>● Comments, concerns and objectives will be responded to.</li> <li>● Deadline for comments on draft BP is Friday 16<sup>th</sup> March 2012</li> </ul>	<p>CC</p> <p>JB</p> <p>KM</p> <p>KW AP</p>	
5	<p><b>Close</b></p> <ul style="list-style-type: none"> <li>● Meeting closed at 14:15</li> </ul>		

## Appendix 12: Draft Bioregional Plan: Comments and Responses Document

No	Org	Comment	Response
1	DEADP (2.1.1)	The BP is in need of a defining vision	Defining vision added
2	DEADP (2.1.2)	The CoCT BP methodology should be indicated	The methodology is described in BioNet Methods and Analysis report. The Bioregional Planning Guideline specifically states that the methodology should not be included as part of the Bioregional Plan document. The process and consultation report outlines the broader Bioregional plan drafting process and the process to deal with conflict areas.
3	DEADP 2.2	CTSDF has been approved by Council.	Corrected
4	DEADP 2.3	Spelling error	Corrected
5	DEADP 2.4	Add District to neighbour Municipalities	Corrected
6	DEADP 2.5	Spelling error	Corrected
7	DEADP 2.6	Focus on obligations should be divided into International, National and Local Obligations	This section was redrafted to include the relevant International, National and Local obligations.
8	DEADP 2.7	Show a composite map reflecting the alignment of the PSDF/MOSS/BP	These Maps are shown in the CTSDF composite maps and not in the CT Bioregional Plan.
9	DEADP 2.8	DEA not DEAT	Corrected
10	DEADP 2.9	Include link to BioNet	Links included
11	DEADP 2.10	Spelling error	Corrected
12	DEADP 2.11	Coastal Protection Zone, not clear how was determined and no mention of a coastal setback	This section has been removed as it does not form part of the development of the BP. The policies covering Coastal protection Zones and Coastal Setback lines are covered in their individual City Policies and not the Bioregional Plan.
13	DEADP 2.12	Mitigation measures to accommodate the risks of coastal flooding must be incorporated into the plan. Dedicated/committed no go areas must be delineated.	This does not form part of the Bioregional Plan, but rather the integrated District EMFs/SDPs.
14	DEADP 2.13	What measures will be put in place to reduce the impact of flooding.	This does not form part of the Bioregional Plan, but rather the integrated District EMFs/SDPs.
15	DEADP 2.14	Process for dealing with conflict areas not enough detail in the BP.	Added a summary of the conflict resolution process.
16	DEADP 2.15	Spelling error	Corrected
17	DEADP 2.16	GIS Layers and metadata not included	Section G: will be added to report when it is submitted for review. The BioNet will be served through SANBI's BGIS once it is approved and will also be available on the City's intranet and spatial GIS viewers.
18	DEADP 2.17	Implementation of the plan needs to be included in section F and should focus on the statutory status of the BP and the processes to be followed to have the plan approved and the timeline. Elaborate on roles and responsibilities of how all decision makers ought to use the plan.	The statutory status of the plan is indicated. The Process and Consultation report details the process followed to have the plan approved and the amended process approved by DEADP that the City has followed. Roles and responsibilities of users of the plan are indicated in the BP in the section on Users (see Section 3).
19	DEADP 3.1	Purpose of the BP to be re-worded	Done
20	DEADP 3.2	Define the BP	Done
	DEADP 3.3	Climate Change should be expanded upon more and include aquatic CBAs and their buffers.	Climate Change adaptation strategies were built into the systematic biodiversity planning analysis and are detailed in the BioNet Analysis and Methods report (Annexure 1). Aquatic CBAs are shown in Map 2. Aquatic buffers are too narrow to show up on the map and their implementation is guided by the City's Floodplain and River Corridor Management Policy (2009).
21	DEADP 3.4	Need to update the vegetation type status according to the National List for Threatened Species in Table.	Done.
22	DEADP 3.5	Suggestion to map ecosystem threat status in BP.	These maps have not been added.
23	DEADP 3.6	There is no mention of heritage in the document.	The BP deals with biodiversity priority areas and not heritage. Heritage is captured in the integrated District EMFs/SDPs.
24	DEADP 3.7	It is vital for the plan to outline how they are going to monitor pollution and degradation of rivers and wetland systems, as well as reduce contamination and pollution in the long term.	This is governed by the City's policies and by-laws. <ul style="list-style-type: none"> <li>• Management of Urban Stormwater Impacts Policy (2009)</li> <li>• By-Law relating to Stormwater management (2005)</li> <li>• City's Floodplain and River Corridor Management Policy (2009).</li> </ul>
25	DEADP 3.8	The BP does not consider relief/topography as part of its range of biophysical layers.	The 2011 BioNet analysis included the latest National Ecosystem-based Adaptation layer which incorporates detailed aspect, slope and topography into the analysis.
26	DEADP 3.9	Appendices were not attached.	Appendices are provided in separate download links.
27	DEADP 3.10	What about anthropogenic related categories as included in the PSDF. Eg. Agriculture, urban core areas and transition areas.	The BP deals with biodiversity priorities. The other categories of the PSDF are included in the CTSDF, but not relevant to the CoCT BP. Areas of intensive and extensive agriculture are included in the CESA and OESA categories where these are relevant. High potential agricultural areas are shown in the district SDPs.
28	DEADP 3.11	CoCT must provide a clear definition of No Natural habitat and show on the map.	No Natural Habitat/transformed category is shown as urban development and agriculture on the map. Maps will be changed to

			reflect the correct category.
29	DEADP 3.12.1	The document does not specify whether adjacent degraded areas should fall outside of CBAs for instance.	The wording was changed to reflect that development should only occur outside of CBA's
30	DEADP 3.12.2	In CBAs it states that no further expansion of intensive agriculture be allowed into CBAs.	The City's agricultural potential layer was used as an informant in the BioNet analysis in the threats layer. Intensive agriculture is not an acceptable activity within a CBA.
31	DEADP 3.13.1	Have offset areas been identified for possible mitigation for developments approved on CBAs	Development offsets are considered on a case by case basis. Offset areas have not been identified. For most lowland vegetation types there are no offset areas available.
32	DEADP 3.13.2	Should this not be considered to prevent CBAs from becoming isolated?	The City's LBSAP identifies priority areas for securing CBAs. Connectivity and retention of corridors is a primary factor in prioritising areas.
33	DEADP 3.13.3	If done why has it not been included in the BP.	Not included. Priority areas are indicated in the CTSDf.
34	DEADP 3.13.4	DEADP Offsets Policy to be consulted	The departments offset policy has been consulted.
35	DEADP 3.14	CoCT should explore additional category; intensive agriculture	The CoCT BP deals with biodiversity priorities. Other priorities are indicated in the integrated District EMFs/SDPs.
36	DEADP 4.1	The adoption of the BP by the competent authority is relevant to a number of listed activities as contained in GN No. R.546 of NEMA EIA regs which are specific to areas outside of the urban edge. Need to reference the applicability of obtaining EA under Sec4 of the BP.	Added this as a note and the end of Section 4.
37	DEADP 4.2	In accordance with the land management objective of the Bioregional Plan category there should be a reflection on how decision making authorities should communicate the binding requirements of the CoCT BP at the level of EIA and general development application and developers alike.	The binding requirements of the CoCT Plan will be communicated through publishing and gazetting of the plan by the Minister. A communication programme will also be initiated within the City's ERMD, and the approved BP will be on the City web site and on the SANBI website. The responsibility to publicise published bioregional plans also lies with the SANBI.
38	DEADP 4.3	Part f does not consider the applicable EIA Regulations with respect to the updating and reviewing of the CoCT BP.	The EIA regulations are published independent of the CoCT BP. The latest published EIA regulations will be applicable to the BP. Any changes to the underlying transformation data as result of EIA outcomes is captured in the spatial data and forms part of the BioNet updates and re-analysis.
39	CapeNature 1	Only the published spatial product will be recognized as the Bioregional Plan and the updated version will only represent the "best available science"	As the BP guideline currently stands, this may be the case, as there is only provision for updating the BP every 5 years, but the BioNet will likely need updating more frequently than this. Need guidance from SANBI on whether this will be the status.
40	CapeNature 2	More emphasis placed on the fact that we are already in a very compromised position with CoCT.....	Have added additional sentences to this effect in the text.
41	CapeNature 3	Alignment of the PSDf categories with the BP categories. Need for consistency.	The compatible activities have been aligned as suggested. The categorisation can't be changed as this is how it is represented in the approved CTSDf.
42	CapeNature 4	Section 4.1 refers to DME as a mandated user. Please update this to reflect the new Departmental name.	Corrected
43	CapeNature 5	No CBA 1(b)	It was not highlighted and therefore easily missed. Corrected.
44	CapeNature 6	Ambiguity in the compatible activities in map categories.	The wording has been corrected to remove the ambiguity.
45	CapeNature 7	Part D, section 17 defines Other Natural Vegetation as 'either CBA or ESA' which makes little sense. We can only assume this is meant to read 'neither' instead of 'either'. The Significance of the Habitat then indicates that loss 'will' result in an impaired ability to meet targets even when the definition indicates it is not required to meet targets. We suggest you change the 'will' to a 'may'. We also feel that the compatible activities are too restrictive. Although we understand that in time they may become necessary in order to meet thresholds, we feel that by adopting the 'all is important strategy' the result will be 'nothing is important'. We therefore suggest that subject to site assessments, these areas be allowed to be sustainably developed until such time that the BioNet is rerun and the formal categorization shift them up into a higher category.	Corrected
46	CapeNature 8	Similarly, we feel that the objective placed on some of the aquatic ecosystems (whether ESAs or CBA2) could possibly be relaxed. In many instances, the focus should be on rehabilitating the ecological processes supplied by the ecosystem and not necessarily restoring the biodiversity pattern as is stipulated. This might appear to be a very subtle difference but may prove vital in obtaining stakeholder support, e.g. rehabilitating a wetland within a park area might not deliver on biodiversity value but will deliver on an important ecosystem services for the community.	Added changes to the wording in the BP.

47	CoCT PBDM 1	The document is vague in what it intends to be or achieve. Its status or purpose should be better clarified upfront. It could be interpreted that its purpose is to inform the development of policies such as SDFs, SDPs, LAPs etc. If this is the case, then it needs to be made clear.	The definition and purpose of a bioregional plan is highlighted upfront in the executive summary and in the introduction. The definition and purpose are prescribed by the NEM: BA.
48	CoCT PBDM 2	In addition, it could also be noted that the document will suggest possible tools or mechanisms to assist decision makers or policy drafters when considering how sites / areas can be managed before or after development has occurred.	The BP identifies Biodiversity Priorities spatially and recommends possible measures to further their general protection. The management of individual sites will be governed by site management plans which are drafted on a case by case basis.
49	CoCT PBDM 3	We would propose that a specific section be developed to set out management tools and mechanisms to monitor / protect / manage these sites / areas. Issues like ownership, management plans, who pays etc are important to achieve success and should be discussed in more detail. Section 42 LUPO conditions (and for instance Home owners associations) is not a sustainable option. This may need further debate.	The BP identifies Biodiversity Priorities spatially and recommends possible measures to further their general protection. The management of individual sites will be governed by site management plans which are drafted on a case by case basis.
50	CoCT PBDM 4	The document lacks sustainability statements with respect to the triple bottom line. Social justice and economic prosperity are key considerations, when considering development proposals on biodiversity sites. 'No-go' areas should be limited to areas declared as 'protected areas' (or similar areas) and the approach to assess other areas needs to be different. Table 3 is useful, but the challenge is what area will be allocated what code? This needs to be dealt with as broad statements to inform policy drafters.	The BP identifies biodiversity priorities, as required by NEM: BA. It does mention sustainable development in section 1 (pg13), however the sustainability statements are to be found specifically in the CTSDF.  The allocation of the CBA categories is a result of the conservation planning analysis and is based on published national biodiversity targets. The detailed explanation of categories can be found in the BioNet Analysis and Results Report (2011), which will be an Appendix to the BP.
51	CoCT PBDM 5	It is stated in several places in the document that the BioNet / CBAs etc have been integrated into the CT SDF and DSPs / EMFs. It is therefore assumed that this also includes all plans. As such, there are thus no separate plans (other than those included in the SDFs) and statutory land use management decision-making will continue to take place on the basis of the SDFs. This is critical to be confirmed, in order to ensure bioregional issues are also taken into consideration when measuring a development proposal against the SDF. For the purposes of forward planning and development management in the city, the Bioregional plan objectives and guidelines finds expression through the CT SDF and district plans / EMFs, as those are the tools used on a daily basis to guide statutory land use decision-making. This must be made clear in the purpose statement.	This is correct and is detailed in the BP in both the executive summary and the body text. However it should be noted that detailed site assessments are still required and the latest available biodiversity information must always be consulted.
52	CoCT PBDM 6	The same approach should be followed on map viewers on the intranet / external website, i.e., there must only be one set of maps, i.e. those forming part of the CT SDF.	The BioNet forms part of the CTSDF. However for detailed site assessments going forward it will be necessary to consult the latest biodiversity information. Updated BioNet information will be made available to City staff on the intranet and externally through the SANBI BGIS website (and the Biodiversity Advisor website).
53	CoCT PBDM 7	Legislative context section – not clear how this document relates to recently promulgated WC Biosphere Reserves Act	The main point of relevance would be the relationship between the CWCBR framework plan and the city's draft bioregional plan on the matter of planning alignment and consistency. Section 6 of the Western Cape Biosphere Reserves Act sets out the details for the Framework Plan (i.e. the spatial plan) that is a requirement for any biosphere reserve in the province. Section 6.3 requires alignment and consistency between such a framework plan, and any other preceding spatial framework in terms of any other relevant legislation. A Bioregional Plan in terms of NEMBA is listed as a relevant plan.  In the case of the city, one can infer that there should be consistency between the portion of the CWCBR that falls within city limits, and the proposed Bioregional Plan (as a result of the requirement for alignment between Bioregional Plans and any other preceding plan, as set out in NEMBA). Should any future Biosphere framework plan overlap with the city's Bioregional Plan (or expansions to existing BR's), such plans would need to demonstrate consistency.  Also to note is that there is a tolerance for inconsistency between the Biosphere Reserve Framework Plan and other frameworks/plans but only if the BR framework plan is MORE restrictive. In the city's case, the CWCBR may therefore have a higher degree of land-use restriction in the Northern corridor, for example, than the Bioregional Plan, and it would be deemed consistent. When reviewing a bioregional plan, the review committee will need to factor this in.
54	CoCT PBDM 8	p16 – district plans are to be approved ito LUPO Section 4(10), not 4(6)	Corrected

55	CoCT PBDM 9	Not clear why there is a reference to “local and district municipalities’ as users in Section 4.2, if plan only relates to CoCT area	Corrected
56	CoCT PBDM 10	Decision makers on statutory development applications are not mentioned separately as users in Section 4. It is assumed that this is so as the bioregional issues have already been integrated into the SDFs, which provides the guidance, and that decision-makers on development applications are therefore not a direct user of the bio-regional plan	Section 4 – Mandated users - references all <b>decision makers</b> .
57	CoCT PBDM 11	Figure 2 (p15, Section 2.1) is useful; however, categorisation used in CT SDF should be added as another column, as we’ll mostly be working with the CT SDF (more than the PSDF)	The categorisation used in the CT SDF is the same as the PSDF?
58	CoCT PBDM 12	Section 23 is very vague. It is not clear what aspect or element of the BioNet is proposed to be taken into an overlay in the CTZS, or what the specific management mechanisms and controls are that would need to be applied as part of this overlay. This would need to be set out in much detail, to enable land owners to gauge how it would affect rights. It is assumed that this will still be further developed in collaboration with PBDM. This aspect need to be clarified, if plan drafters would want to ensure that the impending public participation process on the bioregional plan doubles up as the public participation process around the suggested introduction of the overlay (a separate requirement). Alternatively, it will need to happen separately.	This has been removed from Section 23 as it is not 100% clear how the overlay zones are going to be applied at this stage. Further discussions will be required around this.
59	CoCT PBDM 13	There should be a separate statement somewhere (perhaps separate from Section 23) that it is made clear that the CTZS doesn’t apply in NEMA protected areas (understood to be PA1 and PA2 as per table 3 on p42 under Section 12). Although it is stated as one of the aims of the plan, what seems to be completely absent from it are the land use management guidelines that will need to be applied in such protected areas. According to the NEMA PA act, development management guidelines are to be set out in the management plans for such areas (to be developed in consultation with the local authority). If the bioregional plan is meant to set out these guidelines (as is gathered from the objectives stated early in the document), then this will have to be expanded on significantly. – see section 26.1	The BP does not set out the detailed management guidelines for each PA. These are developed by the management authority on a site by site basis in consultation with relevant stakeholders and are submitted to the Minister for approval (PA1 category).
60	CoCT PBDM 14	There is a lack of clarity regarding buffer areas around protected areas	The BP does not specifically deal with buffer areas around PAs.
61	CoCT Transport Planning Branch	Part A: Section 4.1 and 4.2: Mandated User  As a ‘mandated user’ the City is mandated to take the City’s Bioregional Plan into account in terms of planning and decision making.  Accordingly, it is essential that the City’s Transport Department, as the Transport Planning authority in Cape Town, ensure that the Critical Biodiversity Areas and Critical Ecological Support Areas outlined in the Bioregional Plan be taken into consideration during planning undertaken.  The following is recommended:  <ul style="list-style-type: none"> <li>• As the Biodiversity Network has been integrated into the Cape Town Spatial Development Framework (SDF), the City’s transport planning process must be aligned with the SDF to ensure that the abovementioned integration is undertaken.</li> <li>• Once finalised, the Bioregional Plan be included as one of the strategic informants into the Integrated Transport Plan. It is essential that that the appropriate locations and routes are identified for road and other transport related infrastructure during the planning process.</li> <li>• Bioregional Plan to inform Transport Impact Assessment approval process.</li> <li>• Bioregional Plan to inform all future Integrated Rapid Transport Planning processes.</li> </ul>	Agreed
62	SANParks –	The Bioregional Plan defines CBA’s along the lines of ....	Critical Biodiversity Areas are unprotected areas with no formal



	TMNP 1	<p>The Critical Biodiversity Areas (CBAs) are priority areas requiring managed conservation interventions to ensure their long term survival.</p> <p>The CBAs are required in order for the City to meet its required contribution to national ecosystem targets in terms of the NSBA...</p> <p>So thus the carry though to NEMA triggers e.g.</p> <p>If the an area has a 'Protected' Status, it is not a CBA then this for e.g. is not a trigger :</p> <p><i>12 The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i></p> <ul style="list-style-type: none"> <li>• <i>Within critical biodiversity areas identified in bioregional plans;</i></li> </ul> <p>This has implication for both all our reserves...?</p>	conservation status. Critical Biodiversity Areas in PAs are managed according to the site management plan and approved zonation plans, but are still subject to the EIA triggers.
63	SANParks – TMNP 2	<p>There are three landowners in the South Peninsula that had 'Nature Reserve Status' before NEMA:PAA. The NEMA:PAA stated that there was a 'automatic carry over' that these reserves be Provincial PAA's.</p> <p>These properties are not show as 'Protected'</p>	These properties should be show as Protected.
64	SANParks – TMNP 3	<p>Section 14 Protected area needs to be reworded</p> <ul style="list-style-type: none"> <li>• Development on existing footprints only, or in adjacent degraded areas and in accordance with the PA Zonation plan. No development in CBA areas.</li> </ul> <p>As there are No CBA's in a Protected area. Here NEMA Triggers would determine development opportunities...</p>	Wording has been corrected
65	CoCT SPUD	<p>It is felt that the role of the Bioregional Plan in relation to the CTSDf should be further clarified. This is made more explicit in the Process and Consultation Report (PCR), but it is proposed should be incorporated in the body of the Bioregional Plan that is intended for approval. It is particularly unclear how the Bioregional Plan should be used (if at all) in land use (and environmental) decisions. Since the Biodiversity Network has been incorporated into the CTSDf and District Plans (integrated SDP/EMFs) it is contended that an additional plan for the purposes of land use decision making is not required. The intent in this regard should be clarified.</p>	<p>The intent of a Bioregional Plan is clearly outlined in the Report. Subsequent revisions and updates to the CTSDf and the EMF/SDf's will be required to include the biodiversity informants as contained in a published Bioregional Plan.</p> <p>The BP mandates certain organisations to consult a published BP in their decision making processes, thus providing an additional level of assurance that CBA's will be carefully considered by all land-use decision makers.</p> <p>A bioregional Plan provides for a mechanism to monitor the gains/losses of CBA's and the reporting thereof.</p> <p>The publishing of the City of Cape Town Bioregional plan is listed as a specific action under Policy Statement 25 in the CTSDf as well as in the ERMD Business Plan 2012/13.</p>
66	CoCT SPUD	<p>With regard to the above, Part D, appears aimed at guiding land use planning, but notes that the detailed land use guidelines are listed in the relevant (SDF) SDPs / EMFs. Is it then necessary to detail compatible activities – it is assumed that this list is not to be consulted for land use management purposes as the CTSDf and District Plans (Integrated SDP /EMF) will serve this purpose.</p>	Part D was included as per the Guideline document on drafting BP plans.
67	CoCT SPUD	<p>As a general comment, it is noted that the District Plans do not currently refer to sites where there are both "development" and "biodiversity" imperatives as "conflict areas/sites" but rather "areas of potential impact." In this regard, the annexure the latest draft of the district plans should be consulted. It is proposed that the Bioregional Plan align to this wording. The intention here is to reflect that there may be "sustainable solutions" on site, rather than simply a "one or the other" view as well as recognising that there will be an impact that will need to be assessed.</p>	Wording changed in the BP Text.
68	CoCT SPUD	<p>The CTSDf has dual approval, namely as a component plan of the Integrated Development Plan in terms of the Municipal Systems Act (No 32 of 2000) (MSA) and also as a Section 4 (6) structure plan in terms of the Land Use Planning Ordinance (No 15 of 1985) (LUPO). Council approved the CTSDf in terms of the MSA on the 8th June 2011 and PG: WC's approval in terms of LUPO is confirmed as per Government Gazette 6994, 18 May 2012.</p>	BP Text updated accordingly.
69	CoCT SPUD	<p>The DSDPs (SDP component) are to be approved in terms of section 4 (10) of LUPO and not in terms of section 4 (6) as stated on page 22 of the Plan. (and are not yet approved – as noted in the PCR). The EMF component is intended to be submitted to PGWC for approval in terms of provisions of regulations under NEMA.</p>	BP Text updated accordingly.
70	CoCT SPUD	<p>The reference to the DSDPs (needs to be included in the List of Abbreviations and then altered through the document). The same List needs to refer to the Cape Town Zoning Scheme</p>	Included

		(CTZS) and then corrected within the document where it is referred to as the CTZS.	
71	CoCT SPUD	Acts or Ordinances require their correct referencing e.g. LUPO (No 15 of 1985) and the MSA (No 32 of 2000).	Corrected
72	CoCT SPUD	Further reflection on the CTSDf may be useful as a point of departure (section 2.3). The CTSDf includes policy directly related to the protection and enhancement of biodiversity networks as follows:  Policy Statement 25:  'Increase efforts to protect and enhance biodiversity networks at all levels of government'  Policy Guideline 25.1: 'Carefully assess the impact of proposed development on critical biodiversity areas and endangered species and make decisions related to the city's biodiversity network based on the development guidelines in the relevant DSDPs, other relevant policies and the most up to date mapping of the city's biodiversity network'.  The CTSDf also contains urban and coastal edge lines which will inter alia support the preservation of biodiversity resources in the city.	Added recommended text as supplied.
73	CoCT SPUD	The CTSDf Map 6.1 shows the Core 1 & 2 and Buffer 1 & 2 areas on a notational basis i.e. not cadastrally accurately depicted. Large biodiversity sites are shown on Map 5.3 of the CTSDf as 'development extent to be informed by more detailed investigation'.	Agreed
74	CoCT SPUD	There are instances where other significant environmental attributes may be impacted on by development proposals, and these areas have been highlighted in the DSDPs. (see also 1.iii above).	Noted
75	CoCT SPUD	The inclusion of the Biodiversity Plan as an overlay zone in the CTZS needs to be carefully considered, keeping in mind that the zoning scheme is a legal mechanism that grants development rights. For example, should land, located within the urban edge, be classified as Core 1 in a new overlay zone, any imposition of limitations this property's 'as of right' development potential may result in claims for compensation. The nature of this proposal is likely to require further discussion with affected departments.	Noted
76	CoCT SPUD	It is envisaged that the CTSDf will only be updated every 10 years and will therefore not coincide with the updating of the Bioregional Plan every 5 years. For this reason, a mechanism to include Bioregional Plan updates into the CTSDf needs to be established. This is similarly the case for the District SDPs (although provision is made for a 5 year review on certain aspects).	The underlying fine scale biodiversity plan that underpins the CBA maps is under a constant state of flux. As the City develops, areas are lost and gained etc. The spatial extent of the CBA Maps is also affected by improvements in the remnant vegetation layer mapping and ground truthing. Although it is understood that the version of the Biodiversity network that was included in the CTSDf gazettement is the "official" version, the scale at which it is presented is not suitable for decision making and the latest version available should always be consulted. It would be irresponsible for decision makers to base their decisions on outdated information. It is common practice amongst consultants and decision makers alike to refer to the most up to date information that is made available. All subsequent updates/revisions to the CTSDf and DSDPs/EMFs that are made either through an amendment process or through the normal review process must include the latest CBA Maps as part of that process.
77	CoCT SPUD	Table 3 needs to be correctly referenced in the text.	Corrected
78	CoCT SPUD	Page 63: 20: Private Land: 2nd paragraph : ...'where development rights may be anticipated, there is '.... The word 'anticipated' should be replaced with the word 'exist'. The best that can be done is to moderate the impact of buildings that take up existing zoning rights only.	Corrected
79	CoCT SPUD	The CTSDf went through three and not two rounds of public participation	Corrected
80	CoCT SPUD	<b>Comments on Process and Consultation Report</b>  It is not clear what is meant by 4.2 (i.e. "updated assessment") in the PCR – it is assumed that this refers to areas where there is no EA / ROD?	This refers to environmental authorisations that may have lapsed and require the applicant to resubmit. If there is updated biodiversity information available then this needs to be included in the re-submission, especially where biodiversity was not adequately addressed in the initial assesment.
81	CoCT SPUD	Point 4.4 – this is supported and is aligned to what is included	Noted

		in the district plan.	
82	CoCT SPUD	It is proposed that the updated “areas of potential impact” maps are used as a basis identifying what are currently termed conflict sites. (as per district plan, draft April 2012). It is likely to be necessary to update the tables if this has not yet occurred. Spatial Planning comments have not been submitted for each site identified. It is, however, clear from the draft DSDPs what the proposal for each of these sites is.	Noted
83	CoCT SPUD	It is proposed that the updated principles for assessing development proposals in “areas of potential impact” are used (as per district plan, draft April 2012) to ensure alignment.	Updated with current as supplied.
84	CoCT SPUD	It is proposed that the “comment / resolution” column is limited to the heading “comment” or “comment / biodiversity imperative”. “Resolution” implies that all factors have been considered and a “resolution” has been achieved, when in reality this may lie in the outcome of the EIA processes.	Amended accordingly
85	CoCT SPUD	It is not clear the extent to which offsets can be mandated As reflected in the “comment / resolution” column	Biodiversity offsets should be applied in appropriate cases in accordance with the draft Provincial Guideline (2007) and the Provincial Information Document (2011).
86	ESKOM	We have a number of sites and potential future sites in critical conservation areas within the City of Cape Town. Our Koeberg Nature Reserve, although having formal protection, is not registered under the New Protected Areas Act. The clause for Protected Area (2 PA2) Conservation areas pending proclamation under NEMPAA, and stewardship sites pending proclamation under WCNCB Act, those without perpetuity title deed restrictions and private nature reserves are to be proclaimed and maintained as Protected Areas. Is this an objective that would require Eskom to re-proclaim the Koeberg Nature Reserve and ensure protection into perpetuity?	The Koeberg Nature Reserve is an example of the third conservation category – “Private Conservation Areas”. Although these areas are not registered under the Protected Areas Act, they can become registered contract nature reserves through the Stewardship programme if signed up under a perpetuity agreement. We would encourage a perpetuity stewardship agreement for areas of the Koeberg Nature Reserve not identified for future developments.
87	ESKOM	The West Coast corridor, linking the Blaauwberg and Koeberg Nature Reserves, is a target for the City to ensure protection of a strategic ecological corridor. Are there plans in place to ensure and offer protection to the land in-between the two reserves to meet this goal, or will this be something that the city will plan to secure through stewardship and offset sites? Is there opportunity for discussion surrounding stewardship prospects in this corridor?	The City has no current plans to purchase land in this ecological corridor for conservation purposes, but will support various mechanisms to secure this open space linkage, such as stewardship and biodiversity offsetting (using the corridor land parcels as offset target sites). The district Spatial Development Plan also indicates this area as open space (Core 1 & 2 or Buffer 1 & 2). Stewardship options may be discussed with CapeNature and/or City biodiversity officials (see also the CapeNature background information document on stewardship).
88	ESKOM	I was uncertain regarding the compilation of detailed management plans for private land owner reserves that have already been established - such as our Koeberg reserve. Will there be a future requirement to ensure the property has an adequate management plan and is monitored and assessed into the future through the Western Cape authorities?	It is a requirement of contract nature reserves and those proclaimed under the Protected Areas Act that a detailed management plan be drafted in support of appropriate ecological management and that this is monitored to ensure that biodiversity is conserved long-term. Best environmental practice dictates that private nature reserves also have a detailed management plan that is implemented to ensure the conservation of biodiversity.
89	ESKOM	In areas of conservation significance, will the City be assisting private owners in guidance of how best to enhance biodiversity and secure it long term, or is the expectation that the onus would be on the landowner to develop own plans in conjunction with the City's various local plans?	City and conservation partners (SANParks, CapeNature) will readily engage with any owners of Critical Biodiversity Areas, and depending on the level of commitment by the landowner, will assist with management advice and implementation.
90	ESKOM	Is there an opportunity to do some retrospective work with regards to The CTSDF policy directly related to the protection and enhancement of biodiversity? In particular, would the City be able to assist landowners in development of strategies to enhance protection of ecosystems and red data species?	The CTSDF is updated on a ten year cycle. If there are areas wrongly assigned in the CTSDF – for example natural vegetation remnants identified for development that support Red List threatened species – there is a process to amend the CTSDF (and the district Spatial Development Plan) to reflect a Core 1 or 2 site. Again, conservation by the landowner through a stewardship contract would be encouraged, after which assistance could be given.
91	ESKOM	Have threatened species specific management plans already been developed for red data species of interest within the City, or is this still in the process of being developed. Of interest to us would be obtaining a detailed plan for the Honey Badger, which has the potential to exist on our property?	A threatened species management plan is being drafted for the Western Leopard Toad and this will be completed soon. Other species management plans have not yet been developed. Although it is not globally a threatened species, it would be a good idea to develop a management plan for the Honey Badger, which does occur in Koeberg Nature Reserve, as it is reaching critically low levels in the city area. Of prime importance is to conserve their habitat and landscape connectivity, as they have fairly large home ranges.
92	ESKOM	Are there details regarding how the IMEP will affect the planning for biodiversity into the future? I may have missed that in the document and apologies if I did. In particular interest, are plans around how to ensure local communities	The IMEP sets the policy for broader environmental considerations across the city, but the Biodiversity Network is the main biodiversity informant for terrestrial vegetation and wetlands underpinning forward planning. One of the objectives in the City

		will adapt to future biodiversity conservation requirements. Is there a detailed strategy in place to ensure sustainable development and enhancement of community objectives, whilst not compromising key areas of biodiversity consideration?	Biodiversity Strategy is to maintain ecosystem services through biodiversity conservation and also to promote employment (through natural resource management jobs) and use by communities of this natural open space network (e.g for recreation and environmental education).
93	ESKOM	The future use and implementation of biodiversity offsets was not entirely clear in the planning process within the document. The Western Cape does have the guideline on biodiversity offsets, but in terms of future planning with regards to development, will there be a restriction on certain ecosystems and vegetation types within the City of Cape Town that will not be in a position to offset against, should a development project have residual impacts? If so, what would be regarded as a vegetation type that will lead towards a No-go option in a project? I make the assumption that destroying a critically endangered vegetation type that has limited distribution may not be offset with another critically endangered vegetation type and hence a proposed development project of this magnitude in the City of Cape Town would lead to a No-go option.	At this stage all commenting authorities on EIAs are guided by the provincial offsets document: DEA&DP EIA GUIDELINE AND INFORMATION DOCUMENT SERIES: INFORMATION DOCUMENT ON BIODIVERSITY OFFSETS OCTOBER 2011. According to the mitigation hierarchy as set out in the above document, ecosystems that are Critically Endangered should not be offset if they support irreplaceable biodiversity (i.e. listed under criterion A1, or support Critically Endangered species). This principle generally is followed, unless there is some very compelling other factor that leads to an offset being required. Often there is no equivalent site to offset such a development site with, so another threatened ecosystem or a financial biodiversity offset (to assist in management of other important areas) may be explored.



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**Clarity requested on the implications of an approved Bioregional Plan**

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Dear Piet

As you know, the CoCT has prepared a draft Bioregional Plan, based on the 'Biodiversity Network' that has already been integrated into the Cape Town Spatial Development Framework (CTSDF). The CTSDF has been approved both as a structure plan in terms of Section 4(6) of LUPO by DEA&DP and as the City's SDF in terms of the Municipal Systems Act.

Integration of the Biodiversity Network into the CTSDF resulted in the identification of a number of 'impact areas' in which planned urban expansion would result in a loss of Critical Biodiversity Areas. These planned urban areas are shaded in yellow on the CTSDF and guidelines for the assessment of biodiversity impacts have been included in both the CTSDF and the draft Bioregional Plan.

Whilst the CTSDF remains the CoCT's statutory spatial planning instrument, the Bioregional Plan is also proposed to be approved in terms of the National Environmental Management: Biodiversity Act (NEM: BA). This would require the declaration of the City of Cape Town municipal area as a bioregion in terms of Section 40 of the NEM: BA.

Section 48 of NEM: BA addresses the implications of an approved Bioregional Plan and provides that:

48. (1) *The national biodiversity framework, a bioregional plan and a biodiversity management plan prepared in terms of this Chapter may not be in conflict with—*  
*(a) any environmental implementation or environmental management plans prepared in terms of Chapter 3 of the National Environmental Management Act;*  
*(b) any integrated development plans adopted by municipalities in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);*

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(c) any spatial development frameworks in terms of legislation regulating land use management, land development and spatial planning administered by the Cabinet member responsible for land affairs; and

(d) any other plans prepared in terms of national or provincial legislation that are affected.

(2) An organ of state that must prepare an environmental implementation or environmental management plan in terms of Chapter 3 of the National Environmental Management Act, and a municipality that must adopt an integrated development plan in terms of the Local Government: Municipal Systems Act, 2000, must-

(a) align its plan with the national biodiversity framework and any applicable bioregional plan;

(b) incorporate into that plan those provisions of the national biodiversity framework or a bioregional plan that specifically apply to it; and

(c) demonstrate in its plan how the national biodiversity framework and any applicable bioregional plan may be implemented by that organ of state or municipality.

The provisions of Section 48 may be interpreted as providing that land use decisions in terms of the CTSDf, as well as future revisions or amendments of the CTSDf, must be aligned with the approved Bioregional Plan. If this interpretation is correct, it would result in the CTSDf being legally subservient to the approved Bioregional Plan.

Amendments to the CTSDf, for example, would only be possible if the approved Bioregional Plan is first amended. In that case, a separate process may be needed to amend the Bioregional Plan, with a decision by the Minister, prior to a LUPD process to amend the CTSDf. Alternatively, the question arises as to the impact of an amendment of the CTSDf on an approved Bioregional Plan? How would the NEM: BA provision above in terms of "align" be applied in practice?

Your views on this scenario are requested in order to clarify the potential impacts on the CTSDf of the Bioregional Plan as a statutory plan in terms of the NEM: BA.

Yours sincerely



12.12.2012

Japie Hugo

Date

Executive Director: Economic, Environment & Spatial Planning  
City of Cape Town

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DIRECTORATE DEVELOPMENT FACILITATION  
ENQUIRIES: Gerhard Gerber

REFERENCE NUMBER: E18/2/1/BC5

Mr. Japie Hugo  
Executive Director: Economic, Environment & Spatial Planning  
City of Cape Town

Via e-mail: [japie.hugo@capetown.gov.za](mailto:japie.hugo@capetown.gov.za)

Dear Japie

**RE: CLARITY REQUESTED BY THE CITY OF CAPE TOWN ON THE IMPLICATIONS OF AN APPROVED BIOREGIONAL PLAN**

Your letter on the abovementioned matter dated 12 December 2012 refers.

On 16 March 2009 the then Minister responsible for Environmental Affairs and Tourism published a "**Guideline regarding the Determination of Bioregions and the Preparation and Publication of Bioregional Plans**" ("the guideline") (Government Notice No. 291 in Government Gazette No. 32006 of 16 March 2009 refers). See a copy of the guideline **attached** to this letter. The guideline provides information that clarifies the matters referred to in the City's letter:

**1. Declaration of the City of Cape Town Municipal Area as a Bioregion in order to publish a Bioregional Plan**

- 1.1. In terms of Section 40(1) of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004) ("NEM: BA") the National Minister, or the Provincial Minister with the concurrence of the National Minister, may determine a geographic region as a bioregion and then publish a bioregional plan for the bioregion. The guideline makes it clear that "Bioregional plans can

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only be developed in respect of areas that have been determined by the Minister or a relevant MEC as bioregions".

- 1.2. The guideline in Chapter 1 gives detailed guidance on "determining bioregional boundaries and declaring bioregions". The guideline, inter alia, indicates that the boundary could be either a natural or ecological boundary or a political or institutional one". While Section 40(1) of NEM: BA and the guideline states that the region must contain whole or several nested ecosystems and must be characterized by its landforms, vegetation cover, human culture and history", the guideline makes it clear that:
  - 1.2.1. the "key criterion that should guide the delineation of bioregional boundaries is the functionality of bioregional plans – the boundaries should be delineated in a way that makes the plans useful and effective";
  - 1.2.2. "it is important that they follow sensible boundaries from the point of view of implementing land and resource management";
  - 1.2.3. "it makes sense for bioregional boundaries to align with administrative boundaries, such as municipal boundaries";
  - 1.2.4. "biophysical features or characteristics (such as vegetation groups or sub-catchments) should be used as a starting point for delineating bioregions, which must then be matched to the nearest local or district municipal boundaries";
  - 1.2.5. "from an administrative perspective a bioregion should preferably be determined for a metropolitan municipality or a district municipality"; and
  - 1.2.6. "only one bioregion should be determined in respect of each local or metropolitan municipality".
- 1.3. The guideline also makes it clear that in terms of declaring bioregions and publishing bioregional plans, priority will be given to areas of the country that fall within or overlap with the broad biodiversity areas as identified in the NSBA 2004. The Cape Floristic Region is one of these biodiversity areas.

## **2. Implications of an approved Bioregional Plan: "not be in conflict with", "alignment", "coordination", "taking into account", and review**

- 2.1. In terms of Section 48(1) of NEM: BA a bioregional plan "may not be in conflict with", inter alia, a Municipality's integrated development plan ("IDP") (and spatial development framework ["SDF"]).
- 2.2. Section 48(2) continues by stating that a Municipality must "align" its IDP and SDF with any applicable bioregional plan, incorporate into the IDP and SDF



- "those provisions of the bioregional plan that specifically apply to it, and "demonstrate in its plan how the bioregional plan may be implemented by the Municipality".
- 2.3. The guideline in Chapter 4 gives detailed guidance on "alignment and coordination of bioregional plans with other relevant plans and planning processes". It highlights that "coordination" is called for "in two different circumstances". In the first instance, during the declaration of the bioregion and the drafting of the bioregional plan (i.e. prior to publishing). In the second instance, once the bioregional plan has been published, coordination is called for in that "all future planning by the municipality and other relevant government departments must take the contents of the bioregional plan into account".
  - 2.4. As dealt with in Chapter 4, but also stated in Chapter 1 of the guideline, 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, and natural resource management by a range of sectors whose policies and decisions impact on biodiversity".
  - 2.5. The guideline clarifies that a bioregional plan is not itself a multi-sector plan (like an IDP and SDF) which integrates inputs from many sector, but "rather the biodiversity sector's inputs into various multi-sectoral planning and authorisation processes".
  - 2.6. The guideline continues by clarifying that after publication of a bioregional plan the plan becomes "an entrenched part of the planning process and also to some extent forms part of land development approval processes", and "should be used to inform environmental assessment and land-use decision-making".
  - 2.7. The same as with an IDP in terms of the Municipal Systems Act (Act No. 32 of 2000) ("MSA"), a bioregional plan must be reviewed "at least" every five years. In this regard both the provisions of the NEM: BA and the MSA allow for (and in fact call for) the review to be undertaken as an integrated process. In this regard, the MSA has always called for alignment and integration (section 24, 27, 28, 31 and 32 of the MSA, inter alia, refer). A bioregional plan therefore does not in fact change what has always been a requirement in terms of the MSA, but the bioregional plan does become a key informant of the IDP and in subsequent decision-making processes (whether land-use management or EIA decisions).
  - 2.8. While Section 35(b) of the MSA reads that an IDP (of which an SDF is a "core component") adopted by Council in terms of the MSA "binds the municipality

in the exercise of its executive authority”, it only “binds” a Municipality in terms of the consideration of municipal planning applications to the extent that “it is the principle strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development, in the municipality” (as per subparagraph “(a)”) (emphasis added). In other words an SDF as a core component of an IDP must be taken into account in considering an application. Based on the merits of a specific application, the Municipality might decide to approve an application that is not in line with its adopted SDF. Obviously some applications will have broader consequences and as such it would be advisable to first run an SDF amendment process (even if in parallel with the development application in question), but it is not necessary to first amend an SDF prior to granting approval for an application that deviates from the SDF.

- 2.9. From the wording in NEM: BA and the content of the guideline, it is clear that a published bioregional plan, must also be “taken into account” when considering the merits of a specific application. The bioregional plan does, however, not (pre)decide a development application. A consideration of the merits of a specific application, taking into account, amongst other relevant considerations, the content of the bioregional plan, will decide the application. In this regard, it is also therefore not necessary to first amend a bioregional plan (or SDF) before deciding to approve an application that is not in line with the bioregional plan. As highlighted for SDFs above, obviously some applications will have broader consequences and as such it would be advisable to first run a bioregional plan (and SDF) amendment process (even if in parallel with the development application in question).
- 2.10. An SDF is therefore not subservient to a bioregional plan, and a bioregional plan is not subservient to a SDF, because they must be aligned with each other. It is only because bioregional plans were legislated after SDFs, that some alignment is called for as a transitional provision in that once a bioregional plan is published the existing SDF should be aligned with it. As highlighted earlier, the bioregional plan must itself also be aligned with the SDF, and as such an integrated bioregional plan drafting and SDF amendment process should be (in fact, must be) followed.
- 2.11. The fact that only the National Minister or Provincial Minister may amend a bioregional plan, might seem as a complicating factor, but as highlighted, the MSA has since 2000 been calling for alignment of municipal planning with plans of other authorities. A bioregional plan (and an SDF) should, however, not be drafted (and in fact, the legislation does not allow for it to be drafted) in such a way that rather than guiding and informing, it is overly prescriptive. A

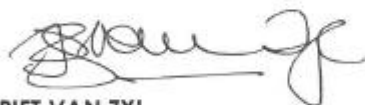
bioregional plan (and SDF) should not be written in such a way that it would require an amendment every second month.

2.12. In practice:

- 2.12.1. both a bioregional plan and SDF must therefore be aligned and this must be ensured when the bioregional plan is for the first time drafted by following an integrated bioregional plan drafting and SDF amendment process;
- 2.12.2. both the published bioregional plan and amended SDF must be written in such a way that it guides and informs, without requiring amendment every second month;
- 2.12.3. because a bioregional plan and SDF does not have to be amended before deciding to approve an application that is not in line with the bioregional plan and SDF, it also allows for the bioregional plan and SDF to not be amended on an ad hoc basis, but rather annually as the need arises as part of the annual IDP performance review and amendment process.

With SANBI being the authority that is primarily responsible for administering the provisions related to bioregional plans, and with SANBI specifically being tasked by NEM: BA to assist with alignment, SANBI should be approached for their inputs on the above. With CapeNature being the conservation authority in the Western Cape, CapeNature's inputs should also be obtained.

Kind regards,



**PIET VAN ZYL**

**HEAD OF DEPARTMENT**

**DATE: 13.03.2013**

Copies to: Mr Arne Purves (City of Cape Town)  
Mr Jeff Manuel (SANBI)  
Dr Kas Hamman (CapeNature)

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date 11 June 2013

Dear Mr. Japie Hugo  
Executive Director: Economic, Environmental and Spatial Planning  
City of Cape Town  
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**Re: Implications of an approved bioregional plan**

Dear Mr. Hugo

We thank you for providing us with the opportunity to comment on this discussion.

We do however agree with the Department of Environmental Affairs and Development Planning that SANBI, as the national authority responsible for administering the Bioregional Plans, should provide their interpretation on the legislation and how they will complement each other in this specific instance. We will endeavour to adopt their position.

CapeNature wishes you every success with the finalisation and implementation of this Bioregional Plan.

Yours sincerely

A handwritten signature in black ink, appearing to read "E. Baard", written over a horizontal line.

Dr. Ernst Baard  
Director: Biodiversity

The Western Cape Nature Conservation Board trades as CapeNature  
Board Members: Dr Colin Johnson (Chairperson), Ms Francina du Bruyn (Vice Chairperson), Mr Mico Eaton, Dr Edmund February, Prof Francois Hanekom, Mr Eduard Kok, Mr Carl Lotter, Dr Bruce McKenzie, Ms Merle McOmbring-Hodges, Prof Gavin Maneveldt, Adv Mandla Mdludlu, Mr Danie Nel

Date: 09 October 2013  
Reference: BPAWC/01/ver01/comment/01  
Enquiries: Jeff Manuel [jmanuel@sanbi.org.za](mailto:jmanuel@sanbi.org.za)



Mr. Japie Hugo  
**The Executive Director**  
Economic, Environment and Spatial Planning  
City of Cape Town

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Gerhard Gerber (DEA&DP) [Gerhard.gerber@westerncape.gov.za](mailto:Gerhard.gerber@westerncape.gov.za)  
Kas Hamman (CapeNature) [khamman@capenature.co.za](mailto:khamman@capenature.co.za)

Dear Mr Hugo,

**Re: Clarify requested on the implications of an approved bioregional plan**

Your letter of 29 April 2013 relating to section 48 of the NEM:BA (henceforth referred to as the 'alignment provision' in this letter), and its implication for refers.

In our interpretation of your letter, three questions are raised for SANBI's response:

- 1) Whether the CTSDf is legally subservient to an approved Bioregional Plan.
- 2) Whether a revision of the CTSDf would first require the revision of the Bioregional Plan and specifically how a CTSDf revision would impact on an approved Bioregional Plan?
- 3) Whether land-use decisions that deviate from the CTSDf, including such deviations that require amendments to the CTSDf, must be aligned with the Bioregional Plan.

SANBI's response to the letter is as follows:

1. *Whether the CTSDf is legally subservient to an approved Bioregional Plan.*

SANBI concurs with the view of the Provincial Government that an approved Bioregional Plan will not supersede the CTSDf and that the CTSDf will not supersede an approved Bioregional Plan. A Bioregional Plan is specifically aimed as informing multi-sectoral planning, and does not automatically grant or remove rights. A Bioregional Plan, however, does have strong requirements for alignment in spatial planning, and supports accountability in land-use decision making. SANBI therefore concurs with the Provincial government that neither a Bioregional Plan nor SDF are subservient to the other, as they have different purposes. SANBI wishes to confirm, however, that the alignment provisions for Bioregional Plans and SDFs are important.

2. *Whether a revision of the CTSDf would first require the revision of the Bioregional Plan and specifically how a CTSDf revision would impact on an approved Bioregional Plan?*

The alignment provision clearly requires alignment of subsequent planning instruments with the Bioregional Plan, once published.

**In practise**, the alignment is best achieved through a joint drafting and revision process. We agree with the Provincial Government's view that **revisions** to the SDF (and therefore the Bioregional Plan) should be linked to the annual IDP review and amendment process, given that the SDF is a spatial expression of the IDP, noting that the SDF may not actually require a revision annually. Should revisions to the SDF not have needed to align with a published Bioregional Plan it would effectively render useless the Municipal System Act's requirements for alignment and integration

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(sections 24, 27, 28, 31 and 32, Act 32 of 2000), as well the alignment provision for Bioregional Plans.

**SANBI therefore submits that any subsequent revision to the SDF should align with the existing Bioregional Plan, but that this is best achieved through a joint revision.**

In our opinion, there are however justified reasons for occasional land-use decisions that are inconsistent with the SDF (and therefore the Bioregional Plan). We therefore view the differentiation between **revisions** and **amendments** as pertinent to the third question:

3. *Whether land-use decisions that deviate from the CTSDf, including such deviations that require amendments to the CTSDf, must be aligned with the Bioregional Plan.*

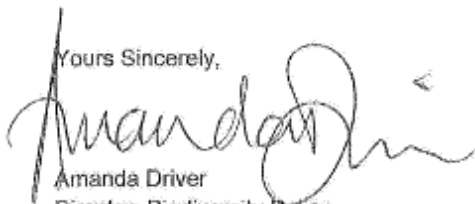
The Provincial Government has indicated that it is not necessary to amend the SDF prior to granting approval for a development that deviates from the SDF. Given the separation between spatial planning instruments such as the SDF, and land-use management instruments such as structure plans and zoning schemes, we concur with Provincial Government's assessment and **we do not deem it necessary to amend the Bioregional Plan prior to approving a development that deviates from the SDF.** It should be noted, however, that any decision-maker will be required to consider the Bioregional Plan in the consideration of such applications. In cases where the development application has such broad potential impacts that it necessitates an amendment to the SDF we recommend that the Bioregional Plan be updated simultaneously, but confirm that this is not required.

Given that a Bioregional Plan is firstly required to align with an existing SDF, we submit that a Bioregional Plan should therefore only require routine, ad-hoc amendments if decisions are routinely taken that are inconsistent with the SDF. The material question, therefore, relates to the inherent quality of the SDF in question as a multi-sectoral, integrated planning instrument, and the regularity with which a municipality issues land-use decisions that deviate from its own planning. The Provincial Government's response, unfortunately, does not provide any indication of the extent to which ad-hoc amendments are discouraged.

**In practise, we understand that there would be instances where short-term factors would require the City to make decisions in conflict with its own SDF (and therefore the Bioregional Plan).** Whilst we reaffirm that this would not, in our opinion, require an amendment to the Bioregional Plan, we would like to point out that if this happens routinely it can impact the ability to align planning frameworks during subsequent revisions of the SDF and the review of the Bioregional Plan.

On a final note, SANBI would like to confirm its support for the publishing of the Bioregional Plan for the City of Cape Town. We are confident that the Bioregional Plan supports the aims and objectives of the CTSDf. In our view, the alignment provision supports consistency and accountability in spatial planning as well as decision-making on individual applications, and that it would not place an onerous incremental decision-making requirement on sustainable development.

Yours Sincerely,



Amanda Driver  
Director: Biodiversity Policy  
South African National Biodiversity Institute  
[m.driver@sanbi.org.za](mailto:m.driver@sanbi.org.za)

**C|24/08/14      DECLARATION OF THE CAPE TOWN BIOREGION AND PUBLICATION OF THE CAPE TOWN BIOREGIONAL PLAN IN ACCORDANCE WITH THE CHAPTER 3, SECTION 40 (1 - 5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 2004 (ACT 10 OF 2004)**

Ald M Nieuwoudt, seconded by Cllr F Raymond, proposed the following amendment to the recommendation:

*“(b) That the City of Cape Town’s Bioregion Plan be used as a guiding plan to facilitate, and not to hinder, development in the City.”*

The proposal was duly supported.

**RESOLVED** that:

- (a) the City request the MEC for Environmental Affairs to declare the city as a bioregion and to publish the Cape Town Bioregional Plan, as prepared, in accordance with the National Environmental Management: Biodiversity Act (Act 10 of 2004).
- (b) the City of Cape Town’s Bioregion Plan be used as a guiding plan to facilitate, and not to hinder, development in the City.

**ACTION : P HOLMES, A PURVES, G BRAND, J HUGO**



Ref No: BP/WC/CoCT/v1/review/support  
Queries: [s.manyike@sanbi.org.za](mailto:s.manyike@sanbi.org.za)

3 October 2014

The Honourable Mr. Anton Bredell  
Minister of Local Government, Environmental Affairs and Development Planning  
Western Cape Provincial Government  
Private Bag x9086  
Cape Town  
8000

Per email: [mam@westerncape.gov.za](mailto:mam@westerncape.gov.za)

Cc: Head of Department, Piet van Zyl ([pieter.vanzyl@pgwc.gov.za](mailto:pieter.vanzyl@pgwc.gov.za))  
Chief Director: Environmental & Land Management, Anthony Barnes  
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Chief Director: Environmental Governance, Policy Co-ordination & Planning, Ayub Mohamed  
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Executive Mayor of the City of Cape Town, Patricia de Lille ([mayor.mayor@capetown.gov.za](mailto:mayor.mayor@capetown.gov.za))

For Attention: Minister Anton Bredell

Dear Minister Bredell

**Re: Support of the Bioregional Plan Review Panel for the publication of the City of Cape Town Bioregional Plan**

In 2010, The City of Cape Town informed the Western Cape Minister of Environmental Affairs and Development Planning of its intention to undertake the development of a Bioregional Plan in terms of sections 40-42 of the Biodiversity Act;<sup>1</sup> and requested the Minister to declare the City as a bioregion and to publish the Bioregional Plan, once completed. The Minister acknowledged and supported this request in September 2010.<sup>2</sup>

In terms of the *Guideline Regarding the Determination of Bioregions and the Preparation and Publication of Bioregional Plans*,<sup>3</sup> the draft Bioregional Plan for any proposed Bioregion must be submitted to the Bioregional Plan Review Committee, chaired by SANBI, to consider the technical merits of the draft Bioregional Plan and whether the Bioregional Plan conforms to the administrative and consultation requirements. The Bioregional Plan Review Panel may also require changes to the draft Bioregional Plan, or draw the Minister/MECs attention to any additional administrative process requirements.

#### **Outcome of the Review of the Bioregional Plan**

The City of Cape Town submitted the draft Bioregional Plan for the City of Cape Town for review in June 2012. The review panel issued comments and requested changes, to which the City responded in December 2012, effecting the required changes. Internal administrative queries and approvals by the City in 2013/14 have not required any substantive changes to the draft Bioregional Plan.

<sup>1</sup> National Environmental Management: Biodiversity Act (Act 10 of 2004)

<sup>2</sup> DEA&DP letter reference 3/5/2

<sup>3</sup> Guideline Regarding the Determination of Bioregions and the Preparation and Publication of Bioregional Plans, Government Gazette No. 32006, 2009



The review panel confirms that it is satisfied that this draft Bioregional Plan is technically sound and has met the requirements provided for in the Biodiversity Act and the Guideline.

The review panel considered the following in its assessment of this bioregional plan:

- That systematic biodiversity planning principles and methods were appropriately applied using the best available data;
- That the resulting map of critical biodiversity areas made sense from an ecological point of view;
- That the land-use guidelines were appropriate from an ecological point of view; and
- That the process and consultation report was adequate.

The review panel fully supports the publication of the City of Cape Town Bioregional Plan, and recommends that the Minister proceed with the process, as set out in sections 99 and 100 of the Biodiversity Act.

#### **Further Guidance:**

In terms of guidance for the publication process, we would like to bring the following to the Minister's attention:

- In your 2010 confirmation letter, the DEA&DP highlighted public consultation requirements in terms of the "Process Principle of Drafting a Plan". We trust that DEA&DP will provide the required guidance to the City for meeting your requirements.
- The lack of provision in Sections 99 and 100 of the Biodiversity Act for the MEC to conduct a consultation and public participation process is not consistent with the intention of Section 47(2) of the Act, and appears to be a drafting error. This should be addressed through amendments to Sections 99 and 100 in the upcoming process of amending the Biodiversity Act. Until such time as the change is effected, The Minister of Environmental Affairs has instituted the following procedure:<sup>4</sup>
  - During the minutes of the Working Group 1 meeting held 26 September 2013 (item 15), the Department of Environmental Affairs indicated that it can provide a letter of concurrence to provinces to initiate the development of Bioregional Plans. It is suggested that DEA&DP obtain this letter so that the Cape Town Bioregional Plan can be gazetted.

The Guideline requires that SANBI provide a unique number for each Bioregional plan, and that this must be published along with the plan. The complete plan (including appendixes and spatial information) will be accessible through this unique number at the registry of published plans maintained by SANBI and available on the BGIS website (<http://bgis.sanbi.org>). The unique reference number for this Bioregional Plan is [BP/WC/CoCT/v1](#).

Yours sincerely



Amanda Driver  
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South African National Biodiversity Institute  
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<sup>4</sup> See appendix 1