# GUIDELINES FOR GOLF COURSES, GOLF ESTATES, POLO FIELDS AND POLO ESTATES IN THE WESTERN CAPE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DECEMBER 2005

# FOREWORD

In this, the second decade after democracy, it has become apparent that changes to the spatial structure and living environments of our cities, settlements and rural areas require innovative and new approaches in order to change the course of the old apartheid planning paradigms. Furthermore, the exploitation of our environmental resources has made it apparent that drastic measures need to be introduced in order to save our beautiful Province for future generations. This requires a thorough assessment of constraints and opportunities, with bold statements in rectifying shortcomings and directing opportunities, where necessary.

Linked to the Western Cape's vision of a 'Home for All' and the iKapa Elihlumayo strategy for growing and developing the Western Cape, my Department's role is to create a Sustainable Home For All – Now and Forever.

The Western Cape has, for a number of years experienced a notable increase in development pressure, which relates strongly to the province's natural splendour and favourable conditions created by the advent of our new democracy. This included increased investment in the high-end of the property market, such as various types of estates (especially golf and polo estates estates), golf courses, polo fields and other developments of similar scale or complexity.

It has been noted that these developments may contribute to economic growth and job creation, rehabilitation of environmentally degraded areas and upgrading of infrastructure, which may benefit surrounding communities. It has also been noted that these developments may deplete water resources, consume agricultural land, spoil landscapes and heritage resources, displace and divide especially rural communities, impact on access to resources such as the coast, contribute towards sprawl, perpetuate divisive patterns of spatial development through the segregation created by security measures and counter social integration and integrated sustainable public service delivery.

With this in mind, an investigation was launched in October 2004 in the form of a Rapid Review of Golf Courses, Golf Estates and Polo Fields. This was followed by the development of these Guidelines for Golf Courses, Golf Estates, Polo Fields, Polo Estates and other developments of similar scale or complexity, as an important contribution to our Department's iKapa Elihlumayo lead strategy, i.e. the Western Cape Provincial Spatial Development Framework (WCPSDF). Associated aligned guidelines have also been prepared in respect of Urban Edges and Resort Developments.

The Department embarked on the process of developing these Guidelines, in consultation with all our social partners such as national and provincial departments, municipalities, parastatals and other relevant roleplayers, including the public at large.

It will become apparent that these Guidelines intend to have a significant impact on developments of the nature concerned, in future.

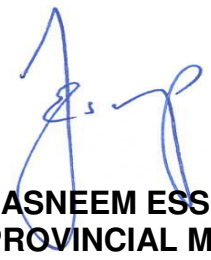
The Province finds itself at a crossroad. Should it continue to follow its historic development path, which, while tried and tested, particularly regarding its ability to create short term financial profits, may be driving the Province further down the road of social injustice, environmental unsustainability and economic inequality with catastrophic repercussions, or should it take the less travelled sustainable development route?

What has become clear is the negative consequences of many current development trends, such as urban sprawl, the continuation of the spatial pattern of apartheid, high water demand and waste generation patterns. At the same time it has become apparent that the location of some public and private investment is not laying the basis for economic, social and environmental sustainability.

This specific Guideline document, and related guideline documents, read together with the WCPSDF represent a sincere and considered effort to present a set of policies and actions to address the above-mentioned challenges and opportunities, to ultimately achieve a best solution and a most effective way to achieve environmental sustainability, economic efficiency and social justice.

These guidelines should be read and implemented in the context of the WCPSDF and all supporting Provincial guidelines, which promote integrated sustainable development.

I am pleased to introduce the Guidelines for Golf Courses, Golf Estates, Polo Fields, Polo Estates and other developments of similar scale or complexity, to guide the future growth of these developments in the Western Cape in a sustainable manner.



**TASNEEM ESSOP**
**PROVINCIAL MINISTER OF ENVIRONMENT,**
**PLANNING AND ECONOMIC DEVELOPMENT**

**TABLE OF CONTENTS** Page

## 1. PREAMBLE

The Western Cape has, for a number of years now, seen a notable increase in development pressure. This has arguably been the consequence of the opportunities offered by the province's scenic splendour and natural characteristics, together with the more favourable economic climate since the 1990's. In particular, the province has experienced a significant investment in the high-end of the property market, including various types of estates, of which golf estates have been the most notable. There has recently also been an increase in polo field developments in the Garden Route. Concerns have now been raised about the growth in these developments as well.

As a result of these concerns, the Western Cape Provincial Government, via the Department of Environmental Affairs and Development Planning (D:EA&DP), launched an investigation in the form of a Rapid Review of Golf Courses, Golf Estates and Polo Fields.

The intention of the Rapid Review was to examine the environmental and socio-economic impacts of these developments, such as the benefits thereof and a range of associated concerns and impacts. It was noted at the time that, amongst others, these developments may contribute to:

- economic growth and job creation, through attracting investment and tourists (both local and international), creating employment and procuring goods and services all of which have multiplier effects;
- rehabilitation of environmentally degraded areas;
- open space systems in urban areas, and
- upgrading of bulk infrastructure such as roads and sewage treatment plants, which may benefit surrounding communities.

On the other hand golf estates, if developed outside the urban edge, as is applied for from time to time, are essentially town (or township) development outside the urban edge. It has been argued that urban edges may as well not be defined if golf estates outside urban edges are going to be allowed, especially in the Southern Cape. In this regard it has been shown, through the Western Cape Provincial Spatial Development Framework (WCPSDF) process and other studies done and information gathered that the urban edge principle is the key to salvaging what is left of one of the Western Cape's primary economic resources – its biodiversity which is unique even on a World scale. Therefore golf estates outside of urban edges could ruin what is left of this province's future socio-economic base.

It was also noted at the time that these developments have, amongst others, the potential to:

- deplete water resources;

- impact on biodiversity and ecological functioning;
- take up and fragment agricultural land;
- impact on scenic landscapes and routes and heritage resources;
- displace and divide especially rural communities;
- impact on access to resources such as the coast;
- contribute towards sprawl, and
- perpetuate divisive patterns of development through the segregation created by security measures.

The Western Cape Provincial Government strives, on a continual basis, to be innovative and improve its approach to development where it can. Apart from this project, this intention is also illustrated by the Provincial Government's initiation of other projects, such as the already mentioned WCPSDF, the Provincial Law Reform Project, Urban Edge Guidelines, Wind Farms Project, Environmental Specialist Study and Resort Guidelines.

This document should be viewed against the background that all aspects of society should benefit from economic growth, development and the country's natural resources. These guidelines are intended to contribute towards national and provincial goals of appropriate development. This means that, whilst these guidelines need to address existing problems, they are not reactionary. They endeavour to promote creative and innovative approaches to golf courses, golf estates, polo fields and polo estates, at the same time recognizing that the Western Cape is unique as a substantial part thereof is situated within one of the 6 floral kingdoms of the world.

## 2. THE NEED FOR GUIDELINES

The Western Cape Provincial Government, in the context of its objective to promote sustainable development and to create "A home for all in the Western Cape", recognized the need to formulate guidelines for golf courses, golf estates, polo fields and polo estates as a matter of priority.

This document provides a set of guidelines which decision-makers can use when dealing with applications for golf courses, golf estates, polo fields, polo estates and other developments of similar scale and/or complexity. From that point of view, it is intended that the guidelines should also be useful to applicants themselves as well as other Interested and Affected Parties.

This document is not a Spatial Development Framework (SDF), nor a Spatial Development Plan (SDP). It does not, for example, determine how many golf courses, golf estates and polo fields may ultimately be permitted, or indicate particular areas *on a plan* specifically designated for such developments, as a spatial plan may do.

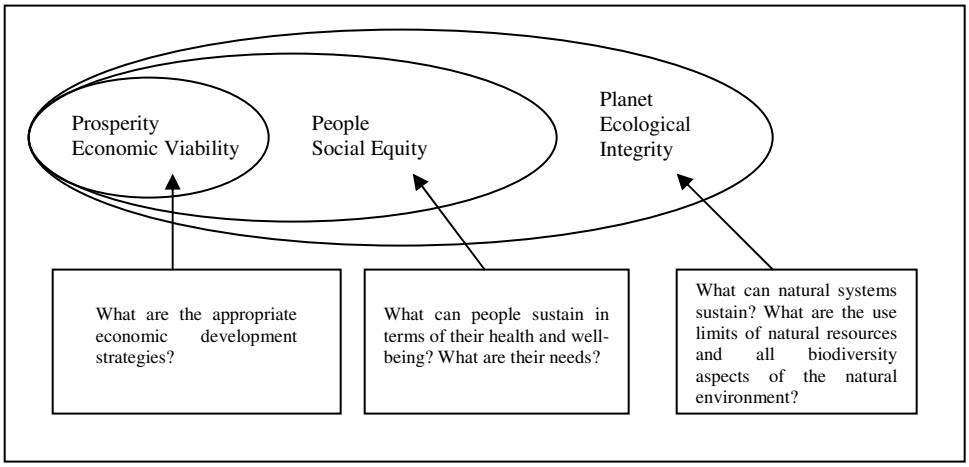
Nevertheless, it is intended that Municipalities can use these guidelines as a reference when formulating their respective SDFs and SDPs. These guidelines can thus provide a framework within which municipalities can apply more restrictive measures in particular (whether place and/or circumstance specific) instances should they believe this to be necessary, or not, or which they can bear in mind when allocating specific areas within their spatial plans where it is believed that golf courses, golf estates, polo fields, polo estates and other developments of similar scale and/or complexity should be allocated.

In short, the aim of these guidelines is therefore, in principle, to promote sustainable development by:

a) strengthening of application and decision-making processes;
b) improving certainty, predictability and consistency, and
c) ensuring transparency and fairness throughout the public participation process.

## 2.1 **Supporting Sustainable Development**

The sustainability model adopted for the purposes of these guidelines is the same as that being used in the Western Cape Provincial Spatial Development Framework (WCPSDF) (this is the amended name for what was previously known as the Provincial Spatial Development Framework (PSDF)) and bio-regional planning as implemented in the province of the Western Cape. It is also considered to be the model that most closely corresponds to the environmental right in South Africa's Constitution.




The model shown above recognizes the natural environment as the basis of the existence and survival of humankind (the questions attached to each eclipse have been formulated during formulation of these guidelines for purposes of clarity). A number of international organisations, including the IUCN (World Conservation Union), the IDRC (International Development Research Centre) and UNEP (United Nations Environment Programme) have accepted this model

of sustainable development. It is based on the acknowledgement that a high level of ecosystem well-being is essential because the ecosystem supports life. The model does not downplay the importance of human wellbeing. In fact, it is based on a wide definition of this concept, which includes human well-being, social health and human development. What it does is to make the point that human health and well-being is directly linked to the "health" or state of natural systems (Prescott-Allen, 2001). Furthermore, the model also recognizes the role of the natural environment in both the material and spiritual well-being of mankind (D:EA&DP, 2003), as is evidenced by the criteria that have been used to formulate sustainable development indicators (UN Division for Sustainable Development, 2001). Since it is particularly difficult to place monetary value on the role that nature plays in the emotional and spiritual well-being of the individual and society, it is regarded as one of the most important roles of government to protect the integrity of the natural resource base for the present and future generations. It can be mentioned here that a substantial part of the Western Cape is situated within one of the 6 floral kingdoms of the world – the only floral kingdom that occurs only in one country. The need to preserve this unique biodiversity is not an ivory-tower value for the privileged but a socio-economic necessity, as loss of or significant damage to this potential "goose that lays the golden eggs" will be disastrous for all the Western Cape's inhabitants.

The importance of the natural resource base in the context of the pressing social and economic needs in the Western Cape, cannot be overstated, as it is the poor and marginalized who suffer the consequences of resource depletion and environmental impacts the most severely, since many communities are directly dependent on the natural resource base for their livelihood. This is evident internationally as has been shown in successive Human Development Reports prepared by the United Nations Development Programme. The very integrity of the natural resource base (often referred to as the comparative advantage of the Western Cape) is critical to sustain economic growth and address the needs of the poor and vulnerable.

Economic development and job creation are priorities in the Province and are critical objectives in the context of sustainable development. The challenge is to weigh up potentially competing imperatives such as (shorter term) investment and development opportunities against biodiversity loss and consequent environmental and cultural and longer-term socio-economic implications. These guidelines are considered an essential tool in supporting the municipalities and the provincial government in making decisions that support sustainable development objectives. This involves taking account of the various interests at play and determining when circumstances warrant a trade-off between competing interests. The provincial government has specifically made the point that its purpose is not to prevent investment in golf courses, golf estates, polo fields and polo estates. Rather it is to ensure that these developments do not harm the Western Cape's unique biodiversity and are therefore, where they may be desirable, located correctly – and in such cases are then undertaken in a manner

that is in line with sustainable development principles, thereby protecting the interests of the Province's communities and its natural resources.

## 2.2 **Strengthening of application and decision-making processes**

The need to strengthen the planning, land use and the Environmental Impact Assessment (EIA) application and decision-making processes is well documented. In various papers, the question of the effectiveness of current planning and EIA processes in promoting sustainable development has been raised. Associated with this broad concern are more specific points or problems that have been raised such as the need to integrate planning and EIA application and decision-making processes and to strengthen the enforcement of conditions attached to decisions (Hattingh and Sellinger 2003; De Villiers and Gubb, 2003; Claasen 2003a). Furthermore, the necessity for taking account of spatial outputs of biodiversity planning (e.g. CAPE Action for People and the Environment) in land use and environmental application and decision-making processes, which is considered fundamental to achieving sustainable development, has also been highlighted (De Villiers, 2003; De Villiers et. al., 2004)).

Recent research undertaken by the Unit for Environmental Ethics at the University of Stellenbosch has highlighted several concerns in decision-making. Whilst the focus of that study is on environmental decision-making, it also deals with issues relevant to the relationship between environmental and land use application and decision-making processes. Amongst others, inadequate enforcement of legislation and regulations, capacity of decision-makers and unethical relationships between stakeholders, have been identified as problematic areas. Factors such as an ineffective legal and institutional framework, a lack of sensible procedures and lack of defined roles and functions are considered to exacerbate these problems (Hattingh and Selliger, 2004). Similar concerns have been raised in research undertaken by the School for Public Management and Planning at the University of Stellenbosch (Claasen, 2003b) and by various stakeholders in interviews, workshops and written submissions undertaken for the purposes of the Rapid Review on Golf Courses, Golf Estates and Polo Fields Developments and this guideline document. Similar shortcomings that have been noted in relation to the EIA process in international research through the International Study of the Effectiveness of Environmental Assessment, with key issues being the lack of enforcement of decisions, the fact that impacts are often understated and that public participation is seen as being perfunctory and occurs too late in the process (Sadler, 1995).

Specific issues that emerged from the Unit for Environmental Ethics (University of Stellenbosch), study based on the inputs from various participants are that:

a) developers obtained the lowest rating for adherence to legislation;
b) decisions tend to be politically motivated;
c) there is potential for consultants to be biased because they are paid by the applicant;

d) the relationship between applicants and decision-makers is too close;
e) applicants make inappropriate use of personal contacts within decision-making bodies to get projects approved, and
f) there is inconsistency in decision-making.

It is noted in the research that many of these problems can be related to lack of knowledge, awareness and application of policy principles in decision-making (e.g. polluter pays principle, precautionary principle). The research acknowledges that the ethical challenges in decision-making are complicated by the different value positions that come into play (e.g. different people place different values on nature, for example). This is an important factor in decision-making, since the credibility of a decision will be strongly influenced by the extent to which "value issues and clashing interests" have been addressed (Hattingh and Selliger, 2002; 2004).

All of these factors and shortcomings underscore the value of guidelines in strengthening decision-making and enforcement, because they provide clarity on, amongst others:

i) the specific information requirements for EIA and planning applications;
ii) the criteria to be applied in decision-making, and
iii) the responsibilities of applicants and decision-makers.

The guidelines are therefore a means for providing clarity to all participants in the process, facilitating transparency since the requirements herein apply to all proposals/applications and serve to strengthen the application and decision-making process through spelling out detailed requirements that are not provided in legislation.

## 2.3 **Improving certainty, predictability and consistency**

The need for certainty and predictability is an issue that has consistently been raised in relation to both land use and EIA applications. In this regard, the following is seen as essential:

a) Ensuring consistency in decision-making, with conditions attached to land use and EIA approvals, as well as heritage inputs, being complementary. In addition, decisions for developments that are similar to one another in terms of their nature, extent and location should be comparable.

b) Timeframes for processing applications need to be reasonable.

c) Decision-making criteria must be clear, applied consistently and transparency in this regard must be ensured.

EXPLANATORY NOTE

Whilst there are timeframes specified in current land use legislation (i.e. LUPO), this is not the case with the current EIA Regulations. This is likely to change when the new EIA Regulations (promulgated under NEMA) are issued.

# 3. LEGISLATIVE CONTEXT FOR THE GUIDELINES

## 3.1 The Constitution of South Africa

The point of departure for these guidelines is provided by the environmental right in the Bill of Rights in the Constitution of the Republic of South Africa (Act 108 of 1996), which reads as follows (Chapter 2, section 24):

"Everyone has the right

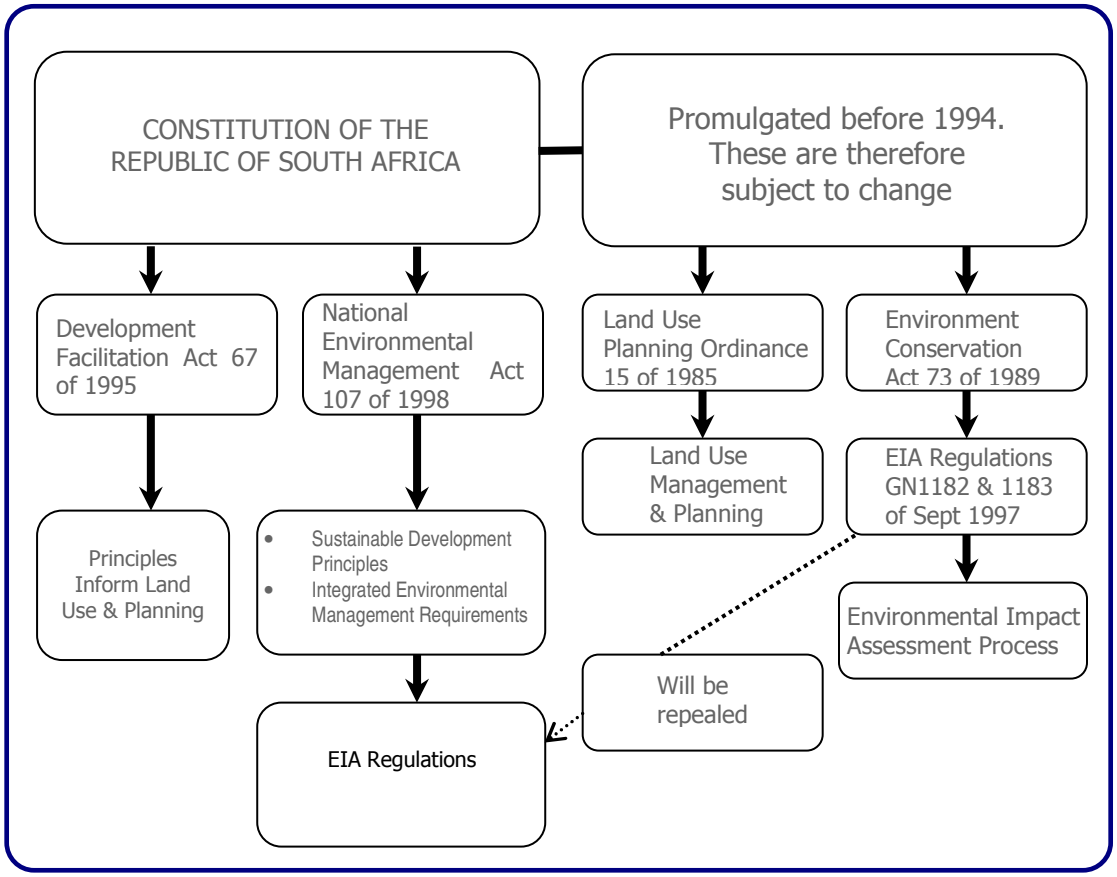
a) to an environment that is not harmful to their health or well-being; and

b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:

   i) prevent pollution and ecological degradation;
   ii) promote conservation, and
   iii) secure sustainable development and use of natural resources while promoting justifiable economic and social development."

These guidelines are broadly aimed at supporting this environmental right and fall within the ambit of section 24(b)(iii) of the Constitution. The guidelines can readily be categorized as one of the "other measures" which government is obliged by the Constitution to implement to achieve the protection of the environment, for the benefit of future and present generations. These guidelines therefore set out the position and requirements that are considered necessary to give effect to this constitutional obligation. Since the Province has concurrent responsibility (with national government in terms of Schedule 4) for a range of social, economic and environmental matters, guidelines such as these are an appropriate means for fulfilling this constitutional mandate.

Furthermore, in dealing with the powers of Provinces (Chapter 6), the Constitution does make provision for the development of mechanisms for the implementation of legislation. Accordingly, section 114(2)(b)(i) states that a provincial legislature must provide for mechanisms to maintain oversight of the exercise of provincial executive authority, including the implementation of legislation. This has relevance to these guidelines.




## 3.2 **The National Environmental Management Act (Act 107 of 1998) NEMA**

NEMA establishes the basis for environmental governance and sets out the principles for decision-making on matters affecting the environment. It also makes provision for the promulgation of EIA regulations (section 24(5)) and the process of drafting regulations in this regard is almost complete (refer also to Section 3.3 of this document.). The principles of the Act are provided in section 2 and it is the responsibility of all organs of state to take these principles into account when making decisions that could affect the environment. This means that the Department of Environmental Affairs and Development Planning (D:EA&DP) must bear the NEMA principles in mind when making land use or environmental decisions.

Of the NEMA principles, the following are of particular relevance to these guidelines:

a) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably (section 2(2)).

b) Development must be socially, environmentally and economically sustainable (section 2(3)).

c) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option (section 2(4)(b)).

d) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons (section 2(4)(c)).

e) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination (section 2(4)(d)).

f) The participation of all Interested and Affected Parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured (section 2(4)(f)).

g) Decisions must take into account the interests, needs and values of all Interested and Affected Parties, and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge (section 2(4)(g)).

h) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment (section 2(4)).

i) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they

are subject to significant human resource usage and development pressure (section 2(4)(g)).

The role of government is recognised in that it is stated that “the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the peoples' common heritage” (section 2(4)(o). This ties directly to government's role in protecting the integrity of the natural resource base for the present and future generations, as described in Section 2.1 of these guidelines.

Some of the complexities facing decision-makers are that there are contradictions in the NEMA principles, that they are broad and are therefore difficult to define clearly and that not all of the principles relevant or are of equal weight to every development application. Applicants and consultants face the same difficulties when endeavouring to address these principles in development proposals. From the perspective of Interested and Affected Parties, there is uncertainty as to how the principles will be interpreted and applied in decision-making. One of the means of dealing with this lack of clarity is to develop guidelines. In this sense, these guidelines serve to provide a norm or default position around which applicants, decision-makers and Interested and Affected Parties can work. Deviation from this norm would be considered only on the basis of a well-reasoned argument.

### 3.3 The Environmental Conservation Act (Act 73 of 1989) and the EIA Regulations

The current EIA regulatory regime is in a state of flux, since the existing EIA Regulations, promulgated in September 1997 (GN 1182 and 1183), as amended in May 2002, under the Environment Conservation Act 73 of 1989 (ECA) have been repealed by NEMA. This repeal will come into effect from a date to be announced by the Minister, when EIA Regulations that are being drafted in terms of section 24 of the National Environmental Management Act (Act 107 of 1998, as amended) become applicable. Notwithstanding, both the existing EIA Regulations and the proposed new Regulations deal with guidelines:

a) EIA Regulations in terms of the ECA: Provision is made for the use of guidelines (Regulation 3(3)(c)) whereby the decision-making authority is responsible for providing the applicant with any guidelines that may be of assistance in fulfilling its obligations in terms of these regulations. This implies that the development of guidelines by the decision-maker is warranted and that both the applicant and the decision-maker must take cognisance of guidelines that do exist.

b) Draft NEMA EIA Regulations: There are provisions with respect to the use of policies and guidelines in the draft EIA Regulations, which will be promulgated in terms of section 24(5) of NEMA. The intention to

strengthen the EIA process through the development of guidelines is clear, since provision in this regard has been retained in all the drafts of the Regulations that have been published. Whilst the wording in these new EIA Regulations may change when they are finally gazetted, based on the draft it can be expected that there will be provision for the competent authority (i.e. D:EA&DP in the case of the Western Cape) to develop guidelines or policies in respect of "any activity, group of activities or the process".

Finally, both the existing and proposed EIA Regulations require that the competent authority describe the key factors that led to the decision. One of the roles of these guidelines is to support the decision-maker's mind through providing detail and clarity on the issues to be considered when making a decision. This is also of benefit to applicants and Interested and Affected Parties, since these guidelines provide insight into the key considerations for the decision-maker.

### 3.4 **The Development Facilitation Act (Act 67 of 1995) – DFA**

Please see comments below.

The principles and provisions of the DFA support the formulation of policy by provincial authorities. In accordance with section 2, all of the principles set out in section 3 apply throughout South Africa and to all land development, to the actions of the State (which definition includes a province) and a local government body. Principles that are important for the purposes of these guidelines are:

a) Laws, procedures and administrative practice relating to land development should (section 3(1)(g))-

   i) be clear and generally available to those likely to be affected thereby;

   ii) in addition to serving as regulatory measures, also provide guidance and information to those affected thereby;

   iii) be calculated to promote trust and acceptance on the part of those likely to be affected thereby; and

   iv) give further content to the fundamental rights set out in the Constitution.

b) Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should (section 3(1)(h))

   - promote land development which is within the fiscal, institutional and administrative means of the Republic;
   - promote the establishment of viable communities;

- promote sustained protection of the environment;
- meet the basic needs of all citizens in an affordable way

Another reason why the DFA is relevant to the golf courses, golf estates, polo fields and polo estates study, is because the guidelines are a potential mechanism to give effect to some of the principles in the Act. In particular, reference is made to those that deal with the promotion of efficient and integrated land development. These are set out in section 3(1)(c) and are as follows:

i) promote the integration of the social, economic, institutional and physical aspects of land development;

ii) promote integrated land development in rural and urban areas in support of each other;

iii) promote the availability of residential and employment opportunities in close proximity to or integrated with each other;

iv) optimize the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;

v) promote a diverse combination of land uses, also at the level of individual erven or subdivisions of land;

vi) discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of more compact towns and cities;

vii) contribute to the correction of the historically distorted spatial patterns of settlement in the Republic and to the optimum use of existing infrastructure in excess of current needs; and

viii) encourage environmentally sustainable land development practices and processes.

The Premier of a province may, in terms of section 3(3)(c), by proclamation in the Provincial Gazette, publish for general information, provincial policy relating to land development, or any part thereof, which is consistent with the principles set out in, or prescribed in terms of the Act, whereupon such principle or policy shall apply in the relevant province *mutatis mutandis* on the basis set out in section 2 of the Act (the latter relates to the application of Chapter 1: National Context for Spatial Development). Currently, only the principles of the DFA are applicable in the Western Cape.

### 3.5 **The Sustainable Utilization of Agricultural Resources Bill**

The Sustainable Utilization of Agricultural Resources Bill presently under consideration, as well as other draft legislation, mention that High potential and Unique agricultural land ***must be reserved for food production*** and no other form of development must be allowed on such land.

### 3.6 **The guidelines – future policy and legislative developments**

It is recognized that the Western Cape Province is in a transitional phase due to pending changes in their strategic approach to development and in the legislative arena. Given that it is important to ensure that the guidelines remain relevant in this new environment, cognisance has been taken of current thinking, especially with regard to the following:

a) The Province has initiated a law reform project, the purpose of which is to develop legislation that will integrate land use, environmental and heritage resources application and decision-making processes.

b) The Western Cape Provincial Spatial Development Framework (WCPSDF) has been taken into account in the development of these guidelines, specifically with respect to the location criteria (Chapter 7 of this document).

c) The related Urban Edge Guidelines, which provides guidelines in relation to urban edges for all towns and cities.

These guidelines will be treated as a "living document", meaning that they should be reviewed against any other relevant and new policy or legislation, once finalised, and the relevant parts revised if necessary.

## 4. **OBJECTIVES OF GUIDELINES**

The objectives of these guidelines are as follows:

a) To promote responsible development, both from an environmental and socio-economic perspective, taking into consideration the imperative for transformation, that does not detract from the comparative advantages of the Western Cape.

b) To protect, enhance and maintain the natural resources and unique biodiversity of the Western Cape, as a basis of the future socio-economic development and human well-being of all inhabitants of the province.

c) To support the implementation of sustainable development principles as reflected in the Bill of Rights in the Constitution (Act 108 of 1996), section 2 of NEMA, section 3 of the DFA, the Province's development agenda known as iKapa Elihlumayo (the Province's Growth and Development Strategy).

d) To support and enhance the implementation of bioregional planning in the Province, as reflected in the Western Cape Provincial Spatial Development Framework (WCPSDF), the National Environmental Management: Biodiversity Act, No 10 of 2004, the Draft Provincial Coastal Zone Policy and Cape Action for People and the Environment as well as municipal integrated development plans.

e) To promote well functioning, integrated urban settlements, and to prevent urban sprawl.

f) To inform decision-making with respect to golf courses, golf estates, polo fields and polo estates in all spheres of government, based on the principle of cooperative governance.

g) To provide clarity into the application and assessment process, by clarifying requirements without creating expectations.

h) To improve the effectiveness of public participation.

## 5. STATUS AND APPLICABILITY OF THE GUIDELINES

The guidelines are aimed at supporting the implementation of the legislation that governs golf courses, golf estates, polo fields and polo estates and other developments of similar scale and/or complexity in the Western Cape, by setting a standard of best practice for applicants as well as decision-makers, over and above mere legislative compliance. These guidelines are therefore an important tool to support and even enhance the implementation of existing legislation. They are not, nor should they be, a replacement for existing or future legislation.

Accordingly, the purpose of the guidelines is to provide detail and information to applicants and decision-makers that will support the achievement of the principles set out in existing legislation. Generally, legislation does not detail precisely how principles should be achieved, primarily because there is no absolute answer in this regard. This is where mechanisms such as guidelines are of value, since they provide guiding information that ensures that applications and decisions are informed by these guidelines.

SUMMARY OF STATUS

There is an obligation for applicants and decision-makers to take these guidelines into account when preparing and deciding upon applications, respectively. These guidelines do not replace existing legislation.

## 5.1 **Applicability of guidelines**

These guidelines are applicable to golf courses, golf estates, polo fields and polo estates and can also be made applicable to other developments of similar scale and/or complexity. All parties concerned with these developments, i.e. applicants, consultants, roleplayers and the relevant authorities, have a responsibility to take account of these guidelines as detailed below (refer also to the legislative context for these guidelines as outlined in Chapter 3). Furthermore, these guidelines must be considered in their entirety.

The guidelines will assist:

a) Applicants in formulating their development proposals and in ensuring that land use planning and EIA applications take cognisance of the application requirements set out in this document.

b) Consultants in undertaking the studies required for a land use or EIA application.

c) Decision-makers and other authorities in evaluating development proposals.

d) Any other party that has an interest in or is affected by the kind of development for which these guidelines are intended, that is, Interested and Affected Parties, such as affected individual owners, surrounding residents, ratepayers' associations and environmental and community forums.

## 5.2 **Use of terminology and the applicability of the guidelines**

In accordance with the status of these guidelines and their objectives, the document has been written using definitive or specific language. The purpose in doing so is to be "prescriptive" within the context of providing for certainty, predictability and consistency, thereby avoiding vagueness, ambiguity and difficulties in interpretation. This does not mean that these guidelines are masquerading as "the law" – rather, these guidelines aim at supporting the implementation of legislation. These guidelines are to be read as follows:

a) These guidelines set out the "default" position, that is the requirements to achieve sustainable development and the related objectives of South

African legislation as described in Chapters 2 and 3. In practical terms, this means that these guidelines provide information that clarifies:

i) the conditions under which development would ordinarily be approved (with or without conditions) or not be approved (e.g. location criteria in Chapter 6).

ii) the information that is considered essential for evaluating the development proposal from a sustainable development perspective (e.g. application requirements in Chapter 7).

b) The "default" position is not fixed, as each application must be evaluated in the context of prevailing conditions (e.g. site and its surroundings) or its own merits, as prescribed by the DFA (section 3(1)(j). Accordingly, where an applicant considers the "default" position to be inappropriate, the reasons for this view must be documented, in order to facilitate the evaluation of the case on its own merits, by the decision-maker. This provides for the flexibility that is required for and is appropriate to the application of guidelines.

c) It must, however, be emphasized that there is always the "no-go" option, in order to comply with the necessity to protect the general rural character and biodiversity of the province by refusing development in any form where it would not be desirable in principle. The "no-go" option in a sense seems obvious, but in many cases those concerned can fall into the trap of processing the application in a milieu of "something must be approved".

d) In all cases, the "default" position is indicated by the use of the term "must", but represents a desired not an absolute outcome.

e) Where "recommended," "advised," "should give consideration to" or an equivalent term is used, this refers to an action that is considered to be voluntary (i.e. the applicant may decide whether to adopt this practice or not). Such clauses have been included in the guidelines by way of providing advice and support for best practice. These are not essential for achieving or meeting the "default" position.

Where reference is made to the input or requirements of specific bodies and government departments, this applies to the successors of such bodies or departments as well.

# 6. LOCATION PRINCIPLES

## 6.1 Purpose statement

The purpose of the location principles is to facilitate the appropriate siting or placement of development on the landscape. They take account of the bioregional spatial planning categories, the Urban Edge Guidelines, the WCPSDF proposals, municipal SDFs and other relevant spatial planning policies that are considered to represent "best practice" in the determination of appropriate location. In essence, therefore, these location considerations set out the circumstances under which a development proposal such as a golf estate would be favourably considered or not. Stated differently, the criteria provided in this Chapter set out what might be termed "a default position" that will enable sustainable development to be achieved. This does not mean that these criteria may be rigidly or blindly applied, since each application must be evaluated on its own merits. Rather, these considerations are aimed at supporting the decision-maker in the process of applying their mind to the application, taking account of site specific and regional factors.

Bioregional planning has been used as the primary point of departure as this approach has been used consistently throughout the province to inform planning. It must be noted that the definitions of the bioregional spatial planning categories here are adapted for the purpose of the WCPSDF only and the location considerations provided here reflect the approach of the WCPSDF. Since there is agreement on the principles informing the delimitation of spatial planning categories, applicants and their consultants, in consultation with the municipal and provincial authority should be able to determine the spatial category that applies to a particular site with relative ease. It is most important to note that these guidelines should be read in conjunction with the relevant planning documents, in the form of structure plans, spatial development frameworks (local, district and provincial, namely the WCPSDF) as well as other relevant statutory plans.

Where projects have as their primary motivation Biodiversity Offsets and/or land reform, these can serve as motivating factors, but then only in addition to notable merit being found, to be present, from a land use point of view.

## 6.2 Locational Criteria

### 6.2.1 Urban Areas

Category Description:

An urban area is all land designated for urban development purposes within a demarcated urban edge, including open space systems, and in the absence of a demarcated urban edge, it refers to the current outer extent of urban development.

Criteria:

Developments that include golf courses, golf estates, polo fields and polo estates could be more appropriate in the following instances:

a) in or immediately adjacent to the urban area, where it assists in defining an urban edge. Refer to the WCPSDF and provincial Urban Edge Guidelines;

b) where it forms part of the municipal open space system (to be read in conjunction with (ii) hereunder), and

c) where residential components are added to existing amenities in urban areas, as a form of general/overarching densification, on condition that the recreational and open space/green lung function of such amenities is not compromised and provided that:

    i) the site does not fall within an area that has been identified by the relevant Municipality concerned for urban densification;

    ii) if the site is located within the open space system/network, access to public amenities and open spaces is not disrupted;

    iii) the site has not been designated as being of sufficient cultural significance by heritage authorities (SAHRA, Heritage Western Cape or the municipality) to warrant it a “no-go” area for development;

    iv) the site does not fall within an area that has been identified as being of conservation significance, within the urban context;

    v) the site does not negatively affect the role, function, public enjoyment and status of open space systems/networks, designated sites of cultural significance and/or sites identified as being of conservation significance;

    vi) the development or part thereof will not be located within the 30m development restriction area measured from the bank of a river, stream, wetland or any other natural surface water feature determined as sensitive by the Department of Water Affairs and Forestry (DWAF) and other relevant authorities (e.g. the Catchment Management Agency and/or the River Conservation Unit at CapeNature and/or municipalities), or within the following flood lines, whichever is the most restrictive:

- 1:20 year floodline: Preferably no artificially landscaped areas (e.g. golf course or polo field) within the 1:20 year floodline (in order to protect the river system), as this area is the most prone and vulnerable to disturbance (e.g. erosion) and flooding in heavy (above normal) rain events.

EXPLANATORY NOTE

The area most vulnerable to flooding is within the 1:20 year floodline. It is preferable not to locate artificially landscaped areas, which generally require the application of fertilizers, herbicides and pesticides within the 1:20 year floodline.

Whilst it is legally required that no "hard" development (e.g. residential units, clubhouses, roads etc.) should be placed within the 1:50 year floodline, the 1:100 year floodline is becoming the acceptable norm. The reason is twofold:

a) Firstly, the 1:100 year floodline and 1:50 year floodline often occur within a few meters of each other. Therefore a precautionary approach is warranted from a flood risk perspective.

b) Secondly, the practice of developing structures within the area between the 1:100 and 1:50 year floodline, to raise the floor level above the 1:100 floodline is not favoured from a visual impact and flood risk point of view.

- 1:100 year floodline: No development (i.e. residential units, club houses) below the 1:100 year flood line. No walls are to be constructed across this area.

vii) the water demand for the development is in accordance with the municipality's water services plan (should such a plan have been prepared and be available) and that there is no risk of stress being placed on the municipal water supply;

viii) where water resources (surface and groundwater) are required to supply the development, that these are not considered as being stressed by DWAF and other relevant authorities;

ix) the area does not fall within the coastal zone as defined by relevant legislation, policies or plans, or within 30m of the edge of a cliff located on the coastline, or within 30m of the high water mark, or on primary dunes or on dune systems that are mobile (the most restrictive criteria will apply);

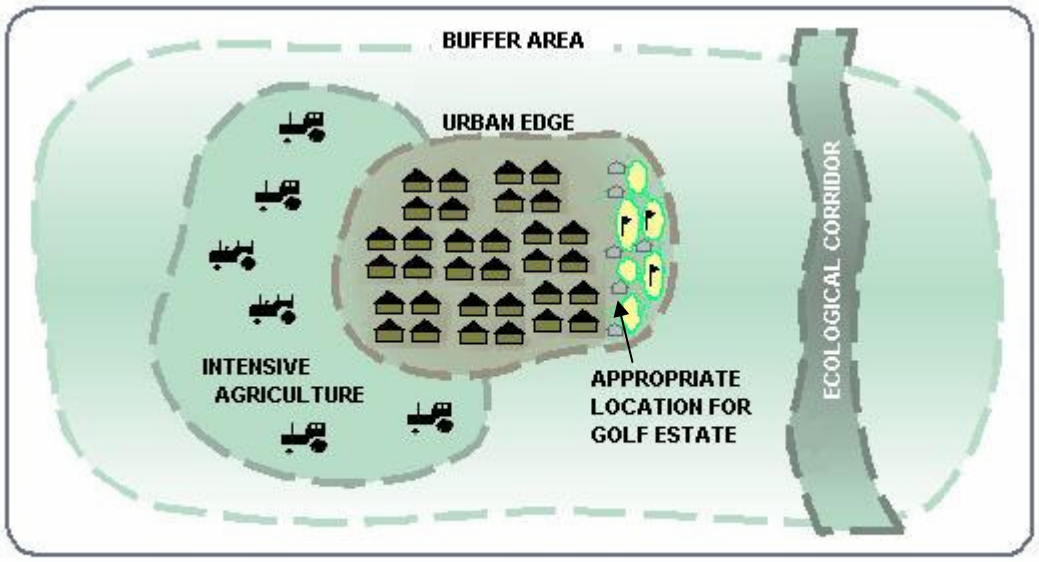
x) the development will not result in the removal of traditional access used by local communities, particularly where they are dependent on such access for their livelihood or recreation (e.g. fishing, rivers, mountains, commonage for grazing and other natural or man-made features), unless agreed to by all Interested and Affected Parties;

xi) the development will not result in existing public and/or traditional access to and along the coastline being disrupted (unless acceptable alternative access has been provided); and

xii) the development will not result in or contribute to visually obtrusive or ribbon development along the coastline or along cliffs and ridges.

EXPLANATORY NOTE

The distance of 30m has been applied as this is considered to be the minimum required to allow for safe access for people along the coastline and to minimise the potential for visual impacts. Consideration can be given to increasing or decreasing this zone in accordance with the circumstances of individual cases/applications, as long as the aims of safe access and preventing visual impacts are not compromised.




### 6.2.2 Core Areas

Category description:

Core areas include officially proclaimed nature reserves (national, provincial, municipal), ecological corridors, critically endangered habitats in accordance with the National, Provincial and Municipal Biodiversity Assessments or Plans and/or applicable fine-scale biodiversity plans) and river corridors.

Criteria:

No golf courses, golf estates, polo fields and polo estates should be located in core areas, as identified through the WCPSDF's bioregional planning categories.

Where a golf courses, golf estates, polo fields and polo estates are located adjacent to a core area, the green areas of the development should front on the core area in the case of estate developments, and an appropriately determined restricted area, containing indigenous vegetation, should be established between the golfing fairways/polo field and the boundary of the core area. There must be no loss of critically endangered habitats and the functioning of ecological corridors, open space systems or heritage areas must not be significantly compromised.

6.2.3 Buffer Areas

Category description:

Buffer areas include remaining natural habitat in endangered and vulnerable ecosystems, including remnants (determined in accordance with the National, Provincial or Municipal Spatial Biodiversity Assessments and/or Plans and/or applicable fine-scale biodiversity plans), natural habitat in less threatened ecosystems and extensive agricultural areas. These buffer areas do not include intensive agricultural areas. No golf courses, golf estates, polo fields and polo estates should be allowed in intensive agricultural areas.

Criteria:

Development that includes a golf course or polo field component may be located on the border between buffer areas and urban areas under any one or combination of the following circumstances, nevertheless accepting that such consideration will be more stringent than within the urban area:

a) the development will result in achieving long term Biodiversity Offsets and/or heritage goals, i.e. the development takes place on degraded or disturbed land, which is not deemed as being of conservation or heritage significance and will result in the rehabilitation and ongoing maintenance of a significant land parcel/habitat/natural resource; and/or

EXPLANATORY NOTE

Land that is infested with alien invasive vegetation is not automatically to be considered or defined as being degraded or disturbed, since such areas may contain significant seed banks of indigenous vegetation and/or aspects of heritage or spiritual significance. This means that they may be of conservation or heritage and/or spiritual significance, despite the presence of alien invasive species.

b) the development will result in securing the viability of a significant agricultural unit or contribute significantly to land reform objectives.

In addition, such development will only be considered in these areas, provided that:

i) the number of units is limited to the extent that it will not promote secondary development (e.g. service stations, shopping centres, retail activities, social services such as schools, etc.) on or around the site such that a new, unplanned development node is created;

ii) the development does not entail any form of township development outside the urban edge;

iii) the area has not been designated as being of sufficient cultural significance by heritage authorities (SAHRA, Heritage Western Cape or the municipality) to warrant the protection of these areas;

iv) the development does not contribute to urban sprawl and/or result in "leapfrogging";

v) the area is not of high or medium value agricultural land as defined within the Western Cape context, using the Department of Agriculture's accepted definition of the potential of such land, or on land that is considered suitable for current and future agricultural activities as determined by the Department of Agriculture: Western Cape's Land Care/Area Wide Planning initiatives;

vi) the area has not been designated as being appropriate for the establishment of emerging farming enterprises by the relevant authorities (e.g. Department of Land Affairs, Department of Agriculture; municipality);

vii) the water resources (surface and groundwater) required to supply the development have been shown not to be stressed by DWAF and other relevant authorities, and furthermore:

- that the development does not cause any pollution of the natural water sources as a result of fertilization, and
- provided that treated effluent does not cause any pollution of the natural water resource;

viii) the site does not negatively affect the role, function, public enjoyment and status of open space systems/networks, designated sites of cultural significance and/or sites identified as being of conservation significance;

ix) the site does not fall within the development restriction area of the coast as defined by relevant legislation, policies or plans, or within 30m of the edge of a cliff located on the coastline, or not less than 30m from the edge, or on primary dunes or on dune systems that are mobile;

x) the development will not impact on habitats or ecosystems that are defined as being of critically endangered status in terms of the National, Provincial and Municipal Biodiversity Assessments or Plans and/or applicable fine-scale biodiversity plans;

xi) the development will not disrupt ecological corridors as envisaged in terms of the Western Cape Provincial Spatial Development Framework and/or the Department of Environmental Affairs and Tourism's Sensitive Coastal Areas Study;

xii) the site does not fall within the 30m development restriction area measured from the bank of a river, stream, wetland or other natural surface water feature, or as determined by DWAF and other relevant authorities, or where the development restriction area has not been determined, within the 1:100 year floodline (refer to Urban Area Subsection 6.2.1), with the provision that the exceptions in the WCPSDF might apply;

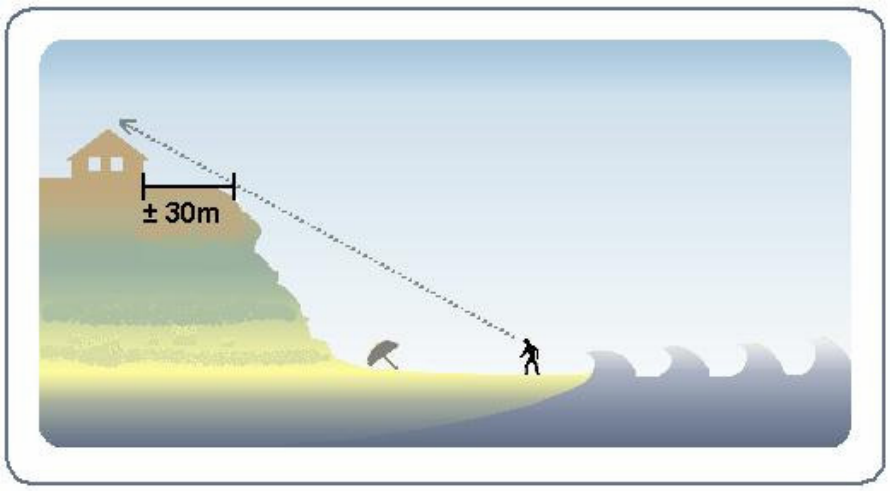
xiii) the development will not negatively affect a river, natural spring or the catchment of a dam;

xiv) the development will not derive its water supply from a river system that has been determined as being pristine or near-pristine or stressed by DWAF and other relevant authorities, or in terms of the National, Provincial and Municipal Biodiversity Assessments or Plans and/or applicable fine-scale biodiversity plans;

xv) the applicant identifies existing traditional access routes or commonages used by local communities and the public (e.g. access to the coast, rivers, mountains, fishing, commonage for grazing and other man-made features) and the development not resulting in the removal of these, unless agreed to by the Interested and Affected Parties;

xvi) the development will not result in inappropriate alteration of the landscape form (e.g. as a result of cut and fill); and

xvii) the development will not result in or contribute to visually obtrusive or "ribbon" development along the coastline, cliffs and ridges, mountains and/or rivers.




## 7. APPLICATION PROCESS REQUIREMENTS

### 7.1 Purpose

The purpose of this chapter is to detail the minimum information requirements that must be submitted by applicants. These requirements must be applied as relevant to the land use and EIA applications. This will bring clarity to the applicant and will assist the decision-maker and stakeholders in assessing the completeness and adequacy of the information provided. The responsibilities of professionals are also dealt with in this chapter.

### 7.2 Responsibilities of professionals

a) All the professionals that are involved in the application process must be appropriately qualified, and, if needed be, registered with the relevant professional organisation should there be one for the profession concerned. In the case of EIA applications the EIA consultant must be independent.

b) The role of the professional team is to provide the best advice to the applicant, taking account of existing legislation, spatial plans and policies. Whilst compliance with legislation is a non-negotiable, applicants are advised to adopt development proposals that show responsiveness to applicable spatial, economic and environmental plans and policies, rather than to motivate to the relevant authorities to change such plans and policies. Applicants are advised that whilst each case has to be evaluated

on its merits, ordinarily proposals that are in line with existing spatial plans and policies are more likely to be successful and are less likely to result in appeals. This does not mean that applications that conform to existing spatial plans and/or policies will automatically be approved, since each case must be evaluated on its merits.

c) It is inappropriate for the applicant, or other Interested and Affected Parties (I&APs), to lobby officials within the Department for their own interests, particularly after an application has been submitted. However, this does not imply that an applicant, or other I&APs, cannot approach authorities to discuss procedure.

d) Specialist studies must be undertaken in accordance with any relevant guidelines available from D:EA&DP and take account of the "Specialist Studies" information document published by the Department of Environment Affairs and Tourism in 2002 (Integrated Environmental Management Information Series, 4).

e) Professionals must ensure conformance with any guidelines or manuals developed by D:EA&DP for the purposes of defining the terms of reference, scope, methodology and information requirements for studies undertaken in the context of a land use and/or an EIA application.

### 7.3 **Presentation of information**

a) Reports that are undertaken for the purposes of an EIA or land use application must be written in clear, neutral language and must accurately reflect the findings of the specialists involved in studies relevant to the application.

b) The methodology for determining the significance of impacts must be clearly explained and must be consistent for all impacts.

c) All impacts, other than those that are clearly irrelevant, must be assessed and evaluated in the main environmental report, on an equal basis with impacts identified by specialists, in a single assessment table.

d) If the development is to be phased, a description of the phases and timing thereof must be provided and all impacts must be assessed in terms of the entire development.

e) Planning and/or land use applications must focus on how the project or proposal conforms to spatial plans and/or policies and required legislative criteria such as desirability. Where it does not conform to spatial plans and/or policies, thorough motivation must be provided.

f) Clear maps and photographs must be provided which show at least the following:

i) The location of the site relative to its surroundings showing the relationship between the site and local communities, settlements, natural features (e.g. rivers, wetlands, threatened habitats (critically endangered, endangered or vulnerable, rock outcrops, mountains, ridges, cliffs, lakes, aquifers, springs etc.) cultural, spiritual and/or historical features and any other relevant characteristics/features.

ii) The location of important features/characteristics on the site itself and adjoining sites (e.g. rivers, wetlands, critically endangered habitats, aquifers, springs, erosive soils, settlements, cultural, spiritual and/or historical resources, rock outcrops, ridges, cliffs, lakes etc.).

iii) Site layout plans and/or maps that show the relationship between the development proposal (layout/footprint) and the characteristics/features of the site. The inclusion of a physical opportunities and constraints map would be useful together with an explanation as to how this has influenced the site layout.

iv) Photographs that show the current state of the site and its surroundings. The position of these photographs should be clearly indicated on a map.

g) There are codes, rating systems or assessment tools available to test building designs against sustainable development criteria. Applicants are encouraged to test their designs using appropriate rating systems or assessment tools as part of the EIA (e.g. Standards South Africa Energy Efficient Buildings, Part I, Conceptual Basis for Performance), and to include the results in the application.

h) Sustainable development design, construction and maintenance measures that have been assessed and those that have been adopted or included in the development proposal must be clearly described/listed in the application.

## 7.4 **Consideration of alternatives**

a) Reasonable and realistic alternatives must be assessed to an equal level of detail, to ensure comparative assessment. Reasonable and realistic alternatives mean those options that can realistically be implemented by the applicant within the ambit of his/her core business. Reasonable and realistic alternatives include, but are not limited, to the following:

i) The status quo land use being extended or intensified.

ii) The preferred option, that is, the applicant's current proposal.

iii) The housing estate only, or any other form of development (such as a resort, should this be relevant), without the golf course or polo field.

iv) Existing land-uses remain unchanged – the so-called "no-go" option.

v) Alternative densities and development footprints – it must be noted that alternatives that focus solely only on providing different densities of development (e.g. number of housing units) will not be considered as adequate in the context of "realistic and reasonable" alternatives. Applicants are advised to approach density from the perspective of reasonableness, and not to use an overstatement of density to make their preferred option appear favourable.

vi) Alternative technologies for services (e.g. water supply, sewerage treatment, energy supply, waste disposal etc).

vii) Any other alternative, requested by the decision-making authority.

b) The applicant and his/her professional team must put forward reasonable and realistic alternatives at an early stage in the project, namely scoping, to enable Interested and Affected Parties to comment on these.

### 7.5 **Spatial planning**

a) The applicant has to demonstrate that all relevant spatial plans, whether approved or in draft form (e.g. the WCPSDF, municipal SDFs, relevant to the proposed location of the project), have been considered. The applicant must furthermore describe whether the proposed development conforms to such planning or not. Where the proposed development does not clearly conform, the applicant must clarify whether or not it is reasoned to be consistent with such planning. Where the proposed development does not conform and cannot be reasoned to be consistent, motivation for amendment of such planning must be provided.

b) The applicant must demonstrate how the proposed development promotes the general principles of applicable land use and/or planning legislation and policies.

c) Should the applicant intend to conduct an EIA before a structure plan amendment (when the latter is required for approval of the rezoning application) is concluded, this will be done at the applicant's own risk.

### 7.6 **Land use**

The applicant should undertake a land use impact assessment. The assessment should address the impact of the land use changes associated with the proposed development (and reasonable alternatives, refer to Section 7.4) on existing land uses within and surrounding the proposed development area. This assessment must:

a) if a phased development, take all phases into account;

b) where development is proposed in Buffer Areas (in accordance with the criteria set out in Subsection 6.2.3), deal with the possibility of secondary development (e.g. service station, shopping centre, retail activities and social services such as schools, etc) occurring on or in close proximity to the site such that a new, unplanned development node is created and make firm proposals as to how this could be avoided, and

c) be informed by case studies of similar existing developments.

### 7.7 **Cultural Heritage and Visual Impact Assessment**

a) Heritage and visual impact assessments, undertaken by independent consultants will be required in accordance with the National Heritage Resources Act (Act 25 of 1999). Accordingly such studies must take all heritage issues into account including historical, cultural, archaeological and paleontological aspects, as relevant.

b) The presence of sites, places or landscapes that are of cultural, spiritual and/or historical significance must be established. This can be achieved through the HIA, but if not addressed by this study, it must be included in the scope of the Social Impact Assessment.

c) Generally, the heritage and visual impact assessments are treated as separate specialist studies. Since visual issues are critical in establishing the impact of development on landscapes, it is important for the heritage and visual impact specialists to liaise with one another to ensure that these respective studies complement each other.

d) The impact of the development on the "sense of place" must be included in the heritage and visual impact assessments. It is recognised that it is difficult to assess the changes that will result, but as a minimum the following must be undertaken:

i) Use of visual material/graphics to illustrate as clearly as possible, what changes will occur.

ii) Testing the current perceptions of "sense of place" of local communities to determine what is of value to them. This can be achieved through workshops, interviews and surveys. Liaison with the social specialist in this regard is recommended.

e) Comprehensive information on the architectural design must be provided, for the purposes of the heritage and visual assessments and for the land use application, which covers the following aspects:

i) architectural style and character of buildings;
ii) fencing arrangements;
iii) materials and colours to be used;
iv) hard and soft landscaping including signage;
v) height of buildings;
vi) lighting (especially also site illumination), and
vii) any form of external advertising, direction signs and/or outdoor display in respect of the proposed development.

## 7.8 **Biodiversity**

a) The applicant must demonstrate:

i) that all relevant biodiversity plans prepared in terms of the National Environmental Management: Biodiversity Act 10 of 2004, or under the auspices of SANBI, CapeNature, STEP, CAPE (Cape Action for People and the Environment), or SKEP (or any plan recognised by the relevant authorities as a biodiversity plan), have been consulted, and

ii) how the proposed biodiversity management system will integrate with the approved biodiversity management system.

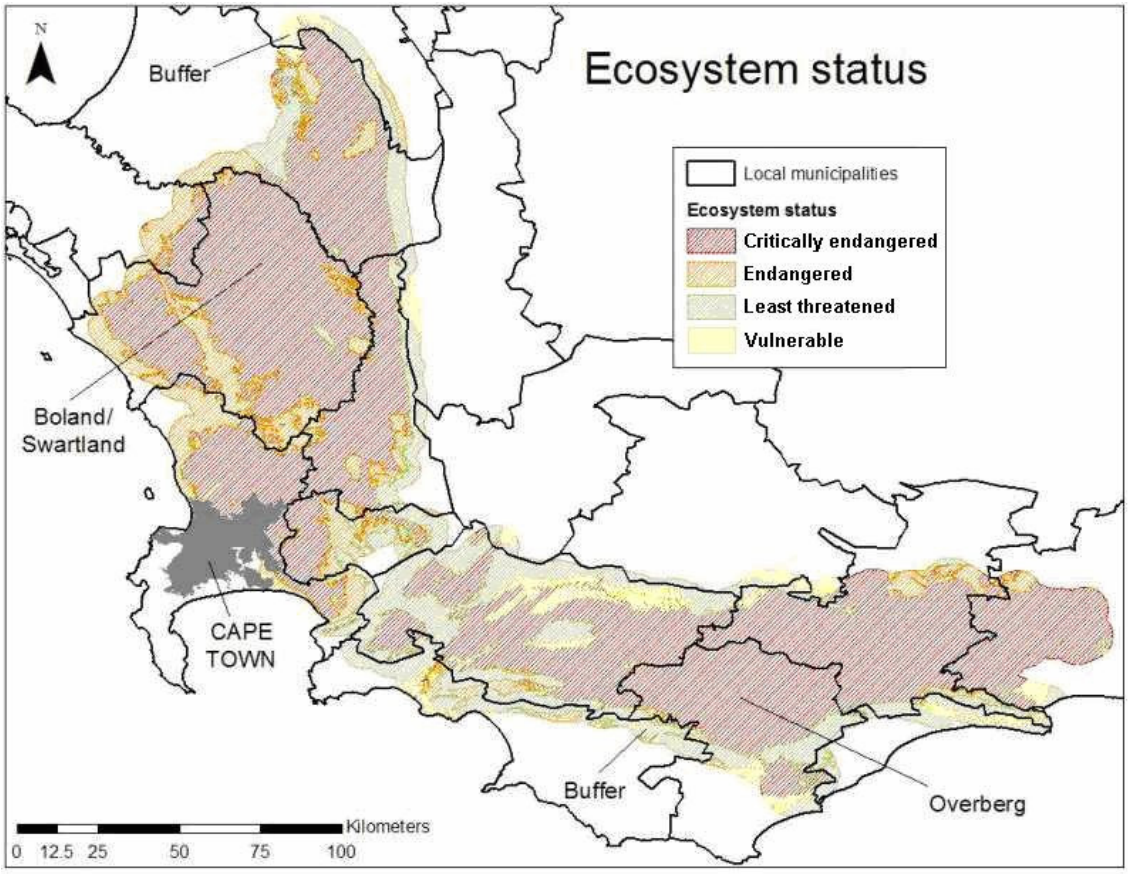
The applicant must indicate how the proposed development takes Biodiversity Offsets priorities, determined by the approved biodiversity plans, into account and how it will conform to and benefit such management systems.

b) The extent to which the development will result in loss and fragmentation of natural habitat must be provided, using the categories from the Vegetation Map of South Africa, Lesotho and Swaziland (2004) and the National Spatial Biodiversity Assessment (2005) for this purpose.

c) If a fine-scale biodiversity plan is available for the area, this information must be taken into account. If no fine-scale biodiversity plan is available, the relevant broad-scale biodiversity plan(s) must be consulted (e.g. C.A.P.E., SKEP, and STEP). CapeNature can advise on which biodiversity plans apply to the area.

d) CapeNature must be consulted to determine whether there is additional spatial biodiversity information available that applies to the site (e.g. from CapeNature's State of Biodiversity database).

e) The assessment for biodiversity specialist studies must be in accordance with accepted best practice for such studies. In addition to the D:EA&DP guideline for such studies, reference must be made to ecosystem-specific guidelines prepared by the Fynbos Forum and Wetlands Forum or any other appropriate body.




Example of available spatial information Renosterveld Ecosystem Status
(Botanical Society of South Africa 2005)

f) The biodiversity specialist concerned must document any limitations placed on him/her should his/her ability to fulfil these terms of reference be compromised.

g) Care must be taken when describing the biodiversity of a site, to conclude that it is ecologically degraded (that is, the land's ability to regrow must be take into account) and therefore of low conservation value, due to infestation by alien invasive species. In particular, using this as a basis for motivating the development is not appropriate unless these facts have been verified by a botanical expert.

h) Consideration must be given to the relationship between the biodiversity on the site, its surroundings and the ecological landscape in which it is located (e.g. fire management, pollination patterns). This means that the role of the site within the context of the ecosystem/s of which it may form a part (i.e. ecological functioning) must be taken into account, when assessing the potential biodiversity impact of the development.

i) The biodiversity specialist must specify the management requirements for the construction and operational phases of the project (e.g. fire management). Specific recommendations must be provided. A general recommendation specifying that biodiversity management should be addressed in the Construction and Operational Environmental Management Plan (CEMP and OEMP) is not considered adequate.

## 7.9 **Water resources**

a) Investigations into the following aspects of water resources as may be required for the development must be undertaken by appropriate specialists:

   i) groundwater (quantity and quality);
   ii) surface water and stormwater (quantity and quality);
   iii) aquatic ecology, and
   iv) water conservation measures and technologies.

b) The water requirements for the development must be fully specified for all phases of the project. It is not adequate to state that water demand will be met by existing lawful registered Water Rights or by the existing municipal water supply system. The volume required for different uses, specifically in respect of irrigation and domestic use must be separately detailed. In addition, the water retention capacity of soils must be determined as this has a bearing on water demand, particularly for irrigation purposes.

c) The meeting of water demands from sources other than natural systems (i.e. rivers, streams, wetlands, groundwater) must be considered as a first option, particularly for irrigation purposes.

d) The specialist water resources study must determine whether the water demand for the development can be sustained in the long-term, using a

20-year time horizon, with no adverse effects on society, natural systems and agricultural resources. All the applicable authorities involved in the management and allocation of water resources must be consulted. Comments from DWAF and other relevant authorities in respect of the evaluation of the sustainability of water use must be obtained. The objective is to obtain a perspective of water supply from a local and =regional perspective.

EXPLANATORY NOTE

This time horizon is considered appropriate in the context of climatic variations and population trends. This timeframe also corresponds with that applied by DWAF in the National Water Resources Management Strategy (i.e. to 2025) and that applied for the Western Cape Systems Analysis (an investigation into the long-term water requirements for the Province).

e) Where a new or additional water use from a natural source is considered, a water use license application should be made to the Department of Water Affairs and Forestry (except for those authorised in terms of a General Authorisation under the National Water Act, No 36 of 1998 (NWA)). DWAF will consider the Reserve (as defined by the NWA) and other requirements in order to make a recommendation regarding the authorisation of a water use application.

f) The impacts on the physical and ecological functioning must be fully identified and assessed where development is proposed in proximity of, or, if the intention is to use water from a river or stream or part thereof that is designated as stressed, pristine or near pristine by DWAF and other relevant authorities. Where developments are proposed close to river courses, it is important that the requirements of section 144 of the National Water Act, No 36 of 1998, are adhered to.

g) Where it is proposed to use river or stream water or other surface water resources (e.g. wetlands), a specialist study on the aquatic ecology is required. The same applies to the use of groundwater, unless there are no groundwater dependent ecosystems (e.g. wetlands, seeps) on the site itself or on the neighbouring properties. This study must determine the following:

   i) identify freshwater ecosystems and restrictive development zones prior to the establishment of the design layout so that sensitive areas can be accommodated in the design

   ii) determine restrictive development zones alongside watercourses, springs, dams and lakes (width according to source of impact, type of ecosystem, maintenance of ecosystem functioning). It is recommended that the DWAF Guideline “A practical field procedure for the identification and delineation of wetland and riparian areas –

final draft" be used to determine the edge of the watercourses.[1] An authorisation may be required from DWAF to alter the bed, banks, course or characteristics of a watercourse or to impede or divert such a watercourse.

h) The impact of proposed stormwater control measures on the functioning of natural river, wetlands or streams (that may be affected), and on groundwater (if the aquifer is considered a strategic resource) must be assessed.

i) The specialist study relating to water resources must include details of proposed water conservation measures together with an evaluation of their effectiveness. Alternative water conservation measures should therefore be evaluated in the context of their effectiveness in reducing water demand (i.e. effectiveness as a mitigation measure).

j) The specialist study relating to water resources must include details of the monitoring requirements to be fulfilled if the project is approved, both in respect of quantity and quality. DWAF and other relevant authorities must be consulted with respect to the monitoring requirements and their requirements must be incorporated into the monitoring specifications. The specialist study on water resources must provide recommendations on the location and number of monitoring positions/points and the type and frequency of monitoring to be undertaken.

k) Where consideration is being given to the use of existing Water Rights, a record of the opinion of the Department of Water Affairs and Forestry and the Department of Agriculture: Western Cape must be provided. The transfer of such Water Rights must be done in terms of section 25(2) of the National Water Act, No 36 of 1998 (NWA).

l) The development of water storage facilities such as dams and detention ponds must be authorised by DWAF unless allowed under General Authorisation in terms of the National Water Act.

m) Where it is proposed to store runoff in detention ponds for irrigation purposes, the impact of this on the hydrological and ecological functioning of surface and groundwater systems must be assessed, should there be systems present in the area that could be impacted upon. The advice of a specialist will be required to determine whether such systems are present.

n) Where it is proposed to irrigate using water from a Waste Water Treatment facility (either on-site or municipal) the potential impacts on the quality of stormwater runoff and groundwater must be investigated if there are

[1] The resource class and comments, from the relevant environmental and nature conservation authorities, must also be considered.

surface water and groundwater resources that can be impacted on. The use of treated wastewater for irrigation is a controlled activity in terms of the National Water Act. A water use license authorisation to engage in a controlled activity must be obtained from DWAF. The requirements that must be met are stipulated in the Western Cape Provincial Guide: "Permissible utilization and disposal of treated sewage effluent", compiled by the Provincial Environmental Health Subdirectorate, September 2004, which provides that where:

i) Fynbos occurs on or adjacent to the site, these standards must be reviewed by a fynbos ecologist to determine if they are acceptable within such ecosystems. If deemed unacceptable, it will be necessary for treatment options to improve the water quality to be assessed.

ii) Aquatic ecosystems (e.g. river, stream, estuary, lagoon, wetland, lake) that occur on or in close proximity to the site, these standards must be reviewed by an aquatic ecologist to determine if they are acceptable within such ecosystems. If deemed unacceptable, it will be necessary for treatment options to improve the water quality to be assessed.

o) If desalinated seawater is to be used as a source for irrigation and/or any other purpose, the potential impact of the process of desalination and the resultant discharge of brine waste must be investigated and the necessary authorisations obtained. Such water quality must meet the required DWAF standards and its salt content must be well below the level that is toxic to the indigenous vegetation of the area, especially in situations where there is considerable wind/heat induced evaporation.

p) The effect of changed vegetation cover (e.g. fynbos to grass) on groundwater recharge potential must be determined, as vegetation changes can result in significant alterations to the effective recharge to groundwater resources.

q) In alluvial ecosystems, the specialist study must include:

i) hydrological connectivity and return flows between watercourses and adjacent floodplains/alluvial sediments/alluvial fans;

ii) vegetation-groundwater interactions and dependencies, particularly under drought and low-flow conditions, and

iii) vulnerability of the aquifer system in question to surface contamination caused by nutrient-enriched run-off.

## 7.10 **Infrastructure and services**

The relevant authorisations must be obtained from the governmental bodies involved or who have an interest with regard to particular aspects of the proposed development.

a) Traffic

i) A Traffic Impact Assessment (TIA), appropriate to the scale of the development must be conducted during the planning phase of the project to the requirements of the municipality, the Provincial Department of Transport and Public Works (e.g. Provincial Government Western Cape's Road Access Guidelines 2001) and the Department of Transport's "Manual for Traffic Impact Studies" (R93/635).

ii) The full development potential of a site needs to be considered. Where developments are proposed in phases, such consideration must therefore not focus on the singular phases only. Where possible, secondary developments around large estates should also be taken into account.

iii) If trip generation rates are significantly different (higher or lower) to the rates given in the table below, motivation for this difference must be given in the TIA. Typical trip generation rates are:

| | Trips generated during either morning or evening peak periods |
|---|---|
| **Residential Estate**<br>Rural per 100 units<br>Urban per 100 units | <br>16 - 26<br>~ 300 |
| **Golf Course**<br>9 Hole<br>18 Hole | <br>18 - 27<br>27 - 36 |
| Standard figures applied locally and internationally have been used in the table based on the publication – Trip Generation 7th edition, by the Institute of Transportation Engineers, USA, 2003 | |

iv) The availability of public transport for staff must be established and if not available, proposals for the provision of sustainable private transport must be detailed in the TIA.

v) The TIA should include recommendations on traffic management during the construction phase, particularly in relation to heavy

vehicles and on management measures to be implemented for special events.

b) Stormwater

i) Where the floodline has not been determined or is out of date, a floodline study is required.

ii) Section 144 of the National Water Act, No 36 of 1998, should be taken into consideration and it is recommended that the DWAF Guideline "A practical field procedure for the identification and delineation of wetland and riparian areas" be used to determine the edge of the watercourses.

iii) A catchment based Stormwater Management Plan (SMP) that is site specific should be prepared for all proposed developments.

iv) A comprehensive approach to site planning should be undertaken using the natural drainage system and an integrated system of prevention and control.

v) The SMP should include information on the quantity and quality of stormwater runoff, details of stormwater management infrastructure and measures for dealing with abnormal rainfall events and the potential for flooding.

c) Sewage

i) The proposed conveyance and treatment of sewage generated by the development must be reported on, including the disposal thereof (i.e. to municipal or own facility) and the use of treated effluent (quantity and quality, if proposed). In the case of rural developments, where on-site treatment may be required, the impacts thereof must be investigated and liaison with the water resources specialist is required in this regard. Consideration should be given to on-site treatment options that are based on "environmentally friendly"/clean/"green" technology.

ii) The disposal/ treatment of sewage, either on site or by the municipality, should be authorised by DWAF unless allowed under General Authorisation in terms of the National Water Act, No 36 of 1998.

d) Potable water supply

In terms of the Water Services Act, No 108 of 1997, no applicant can provide potable water services to a new development without the agreement of the Municipality concerned.

## 7.11 **Social impacts**

a) The social impacts of the development on local communities must be assessed by an independent social scientist. In addition, a Social Impact Assessment must be undertaken in accordance with accepted principles and practice such as those published by the Interorganisational Committee on Principles and Guidelines for Social Impact Assessment (2003), or an equivalent.

b) The structure, traditions and cultural norms of local communities must be researched, particularly in projects that are proposed in rural areas within an urban edge.

c) The traditional public access to beaches and other public resources must be investigated, including access over/on private land. Measures to retain such access in the long-term must be provided in the assessment process.

d) Where a new development creates new access to a previously inaccessible but public resource such as a river or a beach, that new access should be open to the public. A permit system may be used and/or a nominal fee may be charged.

e) Where relevant, the potential loss of agricultural land, whether it is high, medium or low potential land, must be assessed, taking account of employment loss/gain, land reform objectives and impacts associated with relocation of farm workers.

f) The needs of emerging farmers must be considered where development is proposed on agricultural land (zoned or existing).

g) Existing forms of economic activity of the local community/town affected must be established. In particular, activities that are dependent on natural resources must be described (e.g. fishing, forestry).

h) Existing community characteristics including patterns of social interaction, interrelationships and the extent of community cohesion/conflicts must be investigated, to obtain an understanding of social capital in local communities. In addition, community aspirations, perceptions and fears

with regard to the proposed development must be assessed through interacting with community members and leaders.

i) If it is proposed that the development be fully fenced, the impact on the sense of place, ecological corridors and on the community must be assessed. This issue is particularly relevant to small coastal and rural towns or where the proposed development is adjacent to a community.

j) Funding of/or instituting developmental programmes such as community trusts is considered to form part of the applicant's Corporate Social Responsibility or Community Responsibility programme. Consequently, they will not serve as a determining factor in decision-making.

k) The consideration of the benefits of community trusts within the scope of a Social or Economic Impact Assessment as a *primary* criterium will not be considered as best practice, to decide whether or not a development should be approved.

l) All golf courses, golf estates, polo fields and polo estates shall provide serviced land and top structures, to an approved subsidised housing scheme, where available, or to a fund set up for social housing, to provide for 10% social housing and 10% subsidy housing within the community concerned. Alternatively, a similar financial contribution can be made to a trust fund set up for the development of land, identified for integration and urban restructuring within the relevant urban edge. This provision will be in addition to providing for own employees.

### 7.12 Employment and skills development

a) The Social Impact Assessment must also determine the social benefits linked to local job creation and training and skills transfer. The applicant's proposals in this regard must therefore be described and the assessment undertaken on this basis.

b) In terms of job creation, there needs to be coordination with the economic impact study, particularly in terms of the number and category of positions that will be filled by locals. In this regard:

   i) A skills audit must be undertaken in order to determine the availability of local skills required for the project. This information must be used to determine the level of local employment that can be achieved in all phases of the project. This will also assist applicants to access a database with the skills of the local people.

   ii) Where possible, preference should be given to labour intensive practises to encourage job creation.

c) The Social Impact Assessment must include recommendations in respect of the recruitment strategy, to include the following:

i) A “local first”, as far as possible, policy to maximise employment opportunities for the local communities, taking account of the local skills base and the existing legislation and policies on professional procurement.

ii) A policy of job-creation favouring the presently local unemployed.

iii) A communication strategy to be employed that will clarify that preference will be given to locals.

iv) The procedures to be followed by aspiring local applicants and employers e.g. procedures for advertising jobs, procedures for applying, procedures for notifying successful or unsuccessful applicants, etc.

d) The Social Impact Assessment must describe the training and skills development proposals associated with the project for the pre-construction, construction and operational phases of a development. This description must include:

i) the number of people to be trained;
ii) the status of the training (i.e. accredited or not), and
iii) the qualifications that will be obtained.

e) It is encouraged that the Social Impact Assessment include recommendations regarding support in assisting employees to access employment opportunities after construction is complete (i.e. for temporary employees), through, for example, liaison with local business organisations and community organisations.

f) Procurement requirements (i.e. services that will be “bought in”) must be provided together with an analysis of whether these are available in the local area. The preferred areas or locations from which the applicant intends to procure services will be procured must be defined. Specific attention must be paid to the potential to procure goods and services from local SMMEs, particularly those owned by HDIs and women.

g) Social Monitoring and Evaluation Strategies should be detailed in the Social Impact Assessment to ensure that the social impacts projected during the EIA are adequately addressed with the objective of implementing corrective measures if and when required and to ensure that the mitigation strategies are working as intended. Where possible,

specific targets should be set for applicants to achieve with regard to local employment and procurement.

## 7.13 Economic Impacts

a) A complete economic impact assessment of the proposed development (not related to corporate social investment) will be required, including information on job creation, procurement, multipliers, and business models, based on at least a 10-year horizon. An economic model must be based on primary research in the Western Cape and should quantify the direct employment and revenue that will be created by the various components of a golf development such as the golf course, hotel, residential units, etc.

b) The projection of economic benefits to local communities (excluding Corporate Social Responsibility) should be based on local economic research and conditions, not only national economic statistics.

c) The basis on which job creation projections are made must be provided, (e.g. what data has been used, where it was derived, if comparisons with similar developments have been applied).

d) Job creation must include a breakdown of permanent and temporary jobs and on the number of jobs per category (skilled, semi-skilled, unskilled), as well as indicating positions of management versus worker. The duration of temporary jobs should be spelt out, e.g. to the nearest month. Estimates of indirect job creation must distinguish between indirect job creation in the local area (e.g. the local municipality), and indirect job creation elsewhere in the province or country.

e) The business model must include the financial and legal responsibilities of the Home-owners Association, the Golf Club, the applicant and the relevant authorities, over time.

f) The model or approach to be applied to facilitate broad-based black economic empowerment, with supporting information, must be provided in the Economic Impact Assessment. This information should demonstrate how local people will benefit. Supporting information must include signed commitments from these BEE partners or participants.

g) Every commitment from a social (e.g. skills development and training) or environmental (e.g. rehabilitation, operating part of site as a conservation area) point of view must be included in the economic impact assessment (i.e. the associated costs must be included when testing the financial feasibility of the project).

h) The extent to which the development is congruent with the economic and spatial development strategies for the area or municipality (i.e. is there synergy or are there opportunity costs), including tourism, must be described and evaluated, and whether there is alignment with the Provincial strategy in this regard.

i) Any proposed upgrading of existing or new golf course, golf estate, polo field or polo estate must inform the local municipality's IDP.

j) Where the proposal includes tourism facilities, the links or synergies with existing tourism plans and product offerings must be provided, including proposals to cater for the local tourism market. The pricing structure applied in the economic/financial feasibility model must reflect realistic provision for domestic tourists.

k) All sustainable development design parameters that are stated as having been incorporated into the design, construction and maintenance of the project must be included in the economic/financial feasibility study for the project.

l) Where development in a buffer area is motivated, amongst others, on the grounds of socio-economic and/or Biodiversity Offsets and/or heritage benefits (an application cannot be approved ***only*** on the grounds of either socio-economic or Biodiversity Offsets and/or heritage benefits, it has to be found desirable in terms of other spatial planning legislation criteria as well) the applicant should provide the relevant authority with an employment charter that can be externally monitored and audited, related to the expected job creation, skills transfers and environmental management commitments for a five-year period. Such guarantees will be renegotiated after the five-year period. The value of the guarantees will be subject to negotiation by the relevant authority. This requirement is aimed at ensuring that realistic job creation and skills transfer are provided up front.

### 7.14 Management of planning, design, preconstruction, construction and operation activities

a) The requirements (i.e. minimum specifications) for the construction phase and the operational phase environmental management plans or measures must be detailed in the EIA, in order to establish whether these will serve as adequate mitigation mechanisms or not. These management plans must address each of the applicable impacts described in the EIA.

b) The management plans that are referred to above (subsection 7.14(a)) should encompass best practices in terms of factors relevant to the development which may include but is not limited to:

i) energy and water conservation and irrigation practices;

ii) use of herbicides, fertilisers, pesticides, “brackish”, “brack” and/or desalinated water;

iii) ecosystem processes such as fire management, maintenance of on-site habitats and biodiversity and maintenance of links to ecological corridors;

iv) waste management and disposal including measures to reduce and re-use waste;

v) community interaction, including handling of complaints;

vi) health, safety and environmental awareness raising and training;

vii) protection of heritage and cultural resources;

viii) maintenance of public access, and

ix) environmental and social performance monitoring.

c) The draft environmental management plan must include an identification of the persons who will be responsible for the implementation of the measures.

d) Where appropriate, time periods must be implemented within which the measures, contemplated in the draft environmental management plan, are undertaken.

e) Proposed mechanisms must be put in place for monitoring compliance with the environmental management plan and reporting thereon, as stipulated in terms of the Record of Decision and planning approval.

f) Although fully detailed management plans are normally produced in fulfillment of the conditions of approval, some detail to this effect should be provided at the application stage.

### 7.15 **Social Cost (long-term socio-economic impact)**

The economic argument must not be misused through ignoring of the totality principle of the economic picture. Arguments of job creation and local economic development should not be forwarded to justify the approval of golf and polo estates outside of urban edges as the total economic picture. The province's socio-economic base can be destroyed incrementally by such development outside urban edges. Economics is complex and do not involve the immediate numbers picture only, but also the Western Cape’s unique biodiversity in totality as a primary resource for the region’s economy and public well-being.

### 7.16 **The urban edge principle**

The urban edge principle and its application is an essential vehicle towards salvaging the Western Cape's biodiversity and sense of place heritage. Every estate or other similar township kind of development approved outside of an urban edge (i.e. not located and developed as laid down in these guidelines) could bring the province closer to ultimate irreparable harm.

## 8. **DESIGN ASPECTS**

### 8.1 **Purpose statement**

The purpose of this chapter of the guidelines is to detail design considerations for golf courses, golf estates, polo fields and polo estates, with a view to promoting innovative and best practice approaches, reducing the ecological footprint of a development and preventing inefficient extensions of service networks. Applicants are therefore encouraged to explore new technologies and design approaches that are founded on sustainable development principles, sometimes referred to as "environmentally friendly technologies" or "green building or green technologies". Some of the items in this chapter are considered to be "minimum requirements" as indicated by the use of the term "must".

### 8.2 **Visual considerations**

a) The scale and design of the development must not be disruptive to the sense of place of an area or neighbourhood.

b) The visual impact of development (in buffer areas in particular, where permitted) will require careful attention. Care must be taken to ensure that the visual impact from all public places or intended public places (e.g. roads, beaches) is assessed and mitigated.

c) Walling, security features and entrances require particular attention. As a rule visually permeable fencing and walling must be used and entrances must include soft landscaping to prevent them from being hard and visually intrusive features (i.e. entrances should not stand out against their surroundings).

### 8.3 **Socio-economic considerations**

a) An open form of development should be considered as a first option, that is, before that of a completely fenced development or "gated community" is considered. The development must be designed such that it blends into neighbouring areas, if the entire development is to be fenced.

b) With a view to promoting development planning principles and addressing the challenge of integration, consideration should be given to integrating communities without effecting social structures and networks and the applicant must report on how this factor has been taken into consideration in the proposal. When security is considered, these factors must not be ignored.

c) Fencing must not result in disruption of existing or previous traditional access (refer also to Section 7.11)

## 8.4 **Biodiversity considerations**

a) The use of fencing must take account of ecological corridors. Accordingly, fencing must not be placed in a manner that disrupts the functioning of such corridors. Neither the movement of small nor large animals must be negatively impacted.

b) The design layout of a proposed development must not compromise ecosystem functioning, including fire. Where the proposed development is in fynbos or other fire dependant vegetation, the layout design must take into account the burning requirements of the vegetation and ensure that natural areas of open space are such that it is feasible and practically possible to undertake burning under optimal ecological conditions necessary for sustaining the vegetation including the fire frequency and intensity.

c) Indigenous grasses (e.g. Paspalum vaginatum or Cynodon dactylon or any other species that has been tested and found to be suitable by the authority concerned) must be used for fairways and greens (and gardens of related development, if appropriate) to minimise the need for the application of herbicides, pesticides and fertilisers and to reduce water demand (i.e. irrigation requirements), unless otherwise agreed with the relevant municipality and nature conservation authority. Use of kikuyu (Pennisetum clandestinum) grass must be avoided, especially in wet areas and along watercourses.

d) The use of indigenous water-wise species, for landscaping of estate gardens, including the gardens at individual residences must be specified in a design plan.

## 8.5 Stormwater and water use considerations

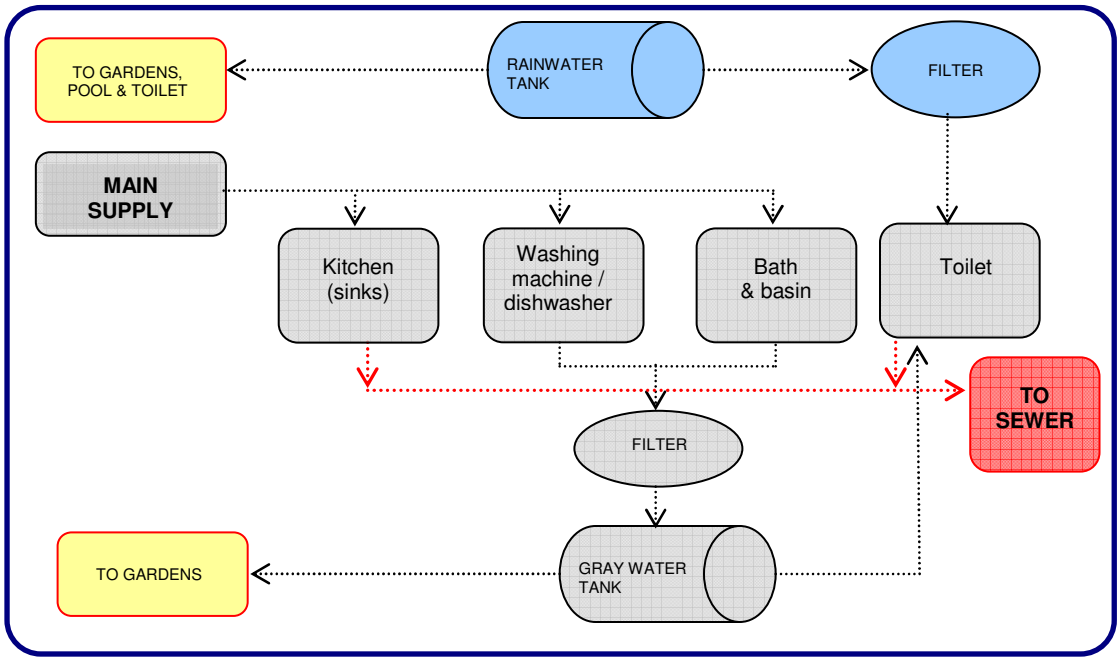
a) Consideration should be given to the creation of artificial wetlands for the treatment of stormwater run-off, particularly from areas where fertilisers, herbicides and pesticides are used.

b) Measures such as swales and cut-off drains must be provided for to divert poor quality stormwater runoff to effluent treatment facilities or to artificial wetlands, if created on the site. The design of swales and cut-off drains should provide for runoff of acceptable quality to enter the natural drainage system so as to minimise changes to the natural hydrological regime of the system.

c) Stormwater infiltration must be promoted through minimising hard paved areas and the use of porous paving surfaces, where paving is required.

d) Rainwater runoff from roofs must be directed into gardens and/or into rainwater tanks, rather than into stormwater drains.

e) The provision of rainwater tanks for residential properties and other buildings on site must be specified in the design plan, unless otherwise directed by the relevant municipality.



Designing with water conservation in mind: the principles shown in this diagram can be applied to homes, club houses and hotels. Rainwater and grey water can be directed for use in irrigation of landscaped areas as well as golf courses and polo fields.

f) The feasibility of grey water recycling must be investigated both from an engineering and environmental impact perspective (the quality of grey water and its impact on local ecology must be considered) as part of the design plan. Grey water recycling must be implemented if this assessment proves its feasibility.

g) Consideration must be given to implementing waste-water treatment systems for domestic effluent, that are closed systems and that are designated as being "environmentally friendly" in design.

h) Wastewater from a municipal Waste Water Treatment Works (WWTW) must be used for irrigation purposes, if available, provided that it can be shown that there will be no adverse effects on groundwater or surface water resources (refer to Section 7.9).

## 8.6 "Green" or sustainable building considerations

In respect of the design, construction and maintenance of buildings, including club houses and individual residences, consideration should be given to the following:

a) positioning of buildings in the context of the features of the site and the landscape;

b) energy efficient design of the building to minimise the requirements for artificial heating and cooling systems;

c) use of materials preferably from renewable sources or with a recycled content or capability;

d) use of locally available materials rather than imported goods;

e) use of energy efficient lighting, including natural lighting;

f) use of water conservation measures in all bathroom/ablution facilities and other facilities;

g) use of renewable energy sources (e.g. solar) for heating and lighting purposes;

h) facilities to minimise waste generation, including the promotion of recycling, the use of reusable containers and packaging and recycling;

i) low maintenance materials, and

j) dry composting toilets.

## 9. PUBLIC PARTICIPATION REQUIREMENTS

### 9.1 Purpose

The purpose of this chapter is to provide guidance on the public participation requirements for proposed golf courses, golf estates, polo fields and polo estates. This chapter should be read with an internal guideline on Public Participation that has been developed by D:EA&DP.

What is Public Participation?

Public Participation is a mechanism by which the public is not only heard before the decision, but has an opportunity to influence the decision from the beginning to the end of the decision-making process. (Creighton 1993 – cited in DEAT 2003)

Public Participation is a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they acted independently. (Greyling 1996 - cited in DEAT 2003)

### 9.2 Advertising in terms of public participation

a) When information about the project is placed in the public domain, the only advertising that should be undertaken is that required in terms of relevant planning and/or environmental legislation.

b) Advertising in respect of the land use and/or EIA application must take account of the three official language groups of the Province and be published in accordance with the languages spoken by local communities in the area.

### 9.3 Commercial advertising

a) It is not ideal for applicants to undertake commercial advertising (i.e. advertising that specifically refers to the sale of plots/erven) until all authorisations have been obtained. However, any pre-sales advertisements, whether in the press or on-site, should be clear and unambiguous with regard to the approval status of the proposed development.

In terms of Subdivision of Agricultural Land Act 70 of 1970, it is illegal to undertake such advertising on agricultural land.

b) Commercial advertising (i.e. promotion of the development to potential buyers) may not include reference to private beaches or any other public resource as being "private" or for the exclusive use of the development.

EXPLANATORY NOTE

Advertising in relation to agricultural land is dealt with in the Subdivision of Agricultural Land Act 70 of 1970. Hence, the Department of Agriculture is the relevant authority.

### 9.4 **Petitions**

a) Any petitions that are commenced by any Interested and Affected Party, whether for or against the development, must be accompanied by a sworn statement, signed in front of a Commissioner of Oaths, that there has been no coercion involved in initiating the petition and that signatories understood the content of what they have underwritten.

b) Applicants and respondents should be aware that petitions will not form the sole basis of a decision in favour or against an application, but that its contents will be taken into account by the decision-making authority and that it may well inform the final outcome of the application.

### 9.5 **Standard of Public Participation Process**

a) The public participation process should not be based on minimum standards or requirements. These developments are complex and to this end the process should be based on an appropriate level of participation. In this regard, reference should be made to the document entitled "Stakeholder Engagement", published in 2002 by the Department of Environment Affairs and Tourism (Integrated Environmental Management Information Series 3) or an equivalent. By way of guidance, involvement is considered a more appropriate and acceptable level of participation than that of consultation. Involvement is based on working directly and consistently with stakeholders to ensure that there concerns are addressed, throughout the process. Consultation is based on receiving feedback from stakeholders and keeping them informed. The Guidelines for Local Government: Public Participation produced by the Department of Local Government (Western Cape) must also be consulted.

b) In circumstances where the project is located in a sensitive area from an environmental as well as a social point of view and has the potential to be controversial, it is encouraged that consideration be given that the Public

Participation Process be undertaken by an independent specialist public participation facilitator, rather than the EIA consultant.

c) It is considered bad practice for the applicant to undertake any public participation activities, such as for example publishing newsletters and the like. The implementation of the public participation process must be left entirely in the hands of the independent facilitator or public participation practitioner including the preparation of newsletters, information sheets, posters, background information documents, advertisements and any other documentation required for the process at the expense of the applicant.

d) The public participation process must make provision for different languages of Interested and Affected Parties (I&APs). In addition, appropriate communication tools must also be employed. In communities where literacy is an issue, a means to obtain or record verbal submissions must be implemented.

e) The person responsible for the public participation process must liase with the social scientist/specialist on the team. This is so that the public participation process is structured to enable local and traditional knowledge to be accessed.

f) The description of the public participation process must include an explanation of how the input from I&APs influenced the project and/or the land use or EIA application. If the public participation process did not change the project in any way or influence the EIA process an explanation as to why this is the case must be given.

g) The independent EIA consultant and/or an independent facilitator must ensure that information is presented in an accessible manner, using clear and simple language.

h) The applicant can consider making financial provision for I&APs, to enable the latter to obtain access to professional expertise.

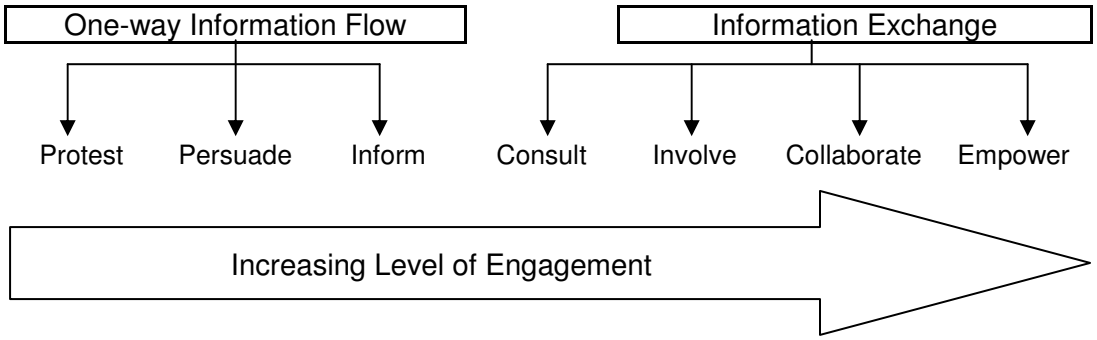
i) The applicant is encouraged to approach any I&APs such as local affected parties and forums from the earliest stages of the planning of the development.

j) In formulating the conditions to be attached to a land use approval or EIA authorisation, the consultant is responsible for consulting authorities that have relevant expertise or that can add value to the decision. Such authorities include, but are not limited to, the Department of Agriculture, CapeNature and DWAF, DEAT, DME and SANParks. In addition, the relevant municipality must also be consulted, particularly with a view to

confirming whether the application conforms to the WCPSDF, the municipal SDF and IDP.

k) The entire public participation process must be transparent and duly recorded.

**Stakeholder Engagement Spectrum**




(*Adapted from Praxis 1988 and DEAT, 2003.*)

**Levels of Engagement**

**Protest** → Stakeholders efforts to influence decision-making through Specific challenges

**Persuade** → Legitimate endeavours to change attitudes

**Inform** → Giving of opinion about issue
Knowledge about decision

**Consult** → Debating/discussing issues

**Involve** → Influencing decision-making

**Collaborate** → Negotiating decisions
Shared decision-making

**Empower** → Stakeholders make the decision and decision-maker implement it

9.6 **Addressing expectations**

a) The making of commitments that are conditional on the community support for the project will be considered as coercive behaviour on the part

of the applicant. This is different to, for example, stating that if approval is obtained, an employment policy of "local first" will be adopted or that contributions to IDP programmes will be made.

b) Any statements regarding local employment potential are to form part of the economic impact assessment and must be described using neutral terminology.

c) The donation of gifts to community representatives or institutions, while permission for development is being sought, or afterwards, may be construed as bribery and is therefore strongly discouraged.

## 10. RESPONSIBILITIES OF THE DECISION-MAKING AUTHORITIES

### 10.1 Purpose

This chapter covers the responsibilities of the relevant authority, in this case D:EA&DP and must be read in conjunction with Chapters 2 and 3 of this document, since these chapters provide information relevant to decision-making.

### 10.2 Responsibilities

a) All of the requirements set out in Chapters 6, 7, 8 and 9 of these guidelines must be taken into account in the decision-making process. Hence, each application must be evaluated in terms of the requirements set out in Chapters 6, 7, 8, and 9, taking account of the manner in which the application has responded to these requirements. This means that consideration must be given to aspects where the application conforms to the guidelines as well as the explanation provided by the applicant in respect of variations to these guidelines. The manner in which these factors have been taken into account must be clearly detailed in the document in which the decision is recorded.

b) The decision-maker must ensure that the opinion of relevant authorities has been obtained by the applicant and/or the consultant during the application process, both in the case of planning and EIA applications.

c) Should the development proposal contain obvious fatal flaws based on these guidelines and/or relevant legislation, plans and policies, the delegated senior manager within the decision-making organisation must indicate to the applicant as early as possible in the application process that the proposed development is unlikely to be approved.

d) The Department will decide, based on the nature and complexity of these developments and the receiving environment, the level of the EIA process to be followed.

e) The decision-maker must ensure that the progress of the application is accurately tracked when the application has been submitted to the Department (i.e. the applicant is awaiting a response). This means that the Department must ensure that it is in a position to provide information on the status of any application, in the event of a query being received from the applicant or the project consultant (planning or EIA consultant).

f) The decision-maker must ensure that documentation in relation to an application is dealt with within a reasonable timeframe.

g) The sustainable development design, construction and maintenance guidelines (such as those detailed in Chapter 9 of these guidelines) or proposals that are put forward by the applicant for the development must be included, by the decision-maker, in the Conditions of Approval attached to the land use and/or environmental decision, in the event of the project being approved/authorised.

h) The decision-maker should consider commissioning an independent review for projects where significant environmental, economic or social impacts are reported, particularly where such applications require the weighing up of potential economic benefits against potential disadvantages from a natural resource, social, cultural or biodiversity point of view. This applies to both planning submissions and/or Environmental Impact Reports. The purpose of the independent review is to provide the decision-maker with certainty regarding the accuracy of predicted impacts. Such reviews must be undertaken by competent and experienced professionals.

# 11. MANAGEMENT AND IMPLEMENTATION

## 11.1 Purpose statement

The purpose of this part of the guidelines is to highlight issues relevant to the implementation of the development and is relevant to golf courses, golf estates, polo fields and polo estates. Monitoring, evaluation, enforcement and reporting requirements are covered in this chapter. Monitoring and reporting requirements can be expected to be included in the approval/authorisation conditions for developments that have been subject to a planning, land use and/or EIA application. This chapter of the guidelines is also relevant to existing developments that have not been subject to an application process in that such monitoring can be considered to be in line with sound management practices. In

such cases adherence to these guidelines would be voluntary, unless a directive under section 28(4) of NEMA is issued, requiring compliance with one or more of these requirements.

### 11.2 **Implementation considerations**

a) Consideration should be given into developing a formal agreement between the applicant (including those between the applicant and his/her subcontractor(s)) and stakeholders, should authorisation be granted, in respect of relevant environmental, social, cultural and economic commitments that are made by the applicant in his/her application. This could take the form of a social compact or an Environmental Management Cooperation Agreement (EMCA) as provided for in section 35 of NEMA.

b) The above-mentioned agreement should include performance targets in respect of environmental, social, cultural and economic impacts and benefits. These targets should be taken into account in environmental and social auditing activities.

c) In the event of the applicant deciding to implement a Corporate Social Investment programme, the relevant municipality (including the relevant Ward Councillors) must be consulted and such efforts must be aligned with the IDP.

d) The requirements set out in the construction phase and operational phase environmental management plans (refer to Subsection 7.14(a)) must be subject to ongoing monitoring, reporting and auditing. A management system such as an Environmental Management System (EMS), which can be a valuable tool for managing such issues in a comprehensive and coordinated manner, must be implemented.

e) It is recommended that the implementation of internationally recognised best practice environmental management standards, which have been developed for golf courses, be incorporated into the EMS referred to in item 11.2(d). See, for example, websites –

- Audubon International - www.audubonintl.org/programs/acss/golf
- Committed to Green - www.committedtogreen.com
- Environmental Institute for Golf - www.eifg.org
- USGA - www.usga.org/turf/environment-programs

f) Where a resort is developed (or development includes tourism facilities), consideration should be given to adopting the principles of Responsible Tourism as reflected in the Charter that was developed in this regard at the World Summit on Sustainable Development (or an equivalent) and participating in Responsible Tourism initiatives. See Annexure A.

g) It is recommended that the procurement of goods and services take cognisance of the Fair Trade principles or an equivalent. See, for example, websites –

- www.fairtourism.org.za/fairtrade;
- www.tourismconcern.org.uk/fair-trade, and
- www.fairtrade.org.uk.

## 11.3 Monitoring and evaluation

### 11.3.1 Responsibilities of the applicant

The applicant is responsible for ensuring that monitoring systems are put in place in accordance with the requirements of this chapter.

### 11.3.2 Elements to be monitored and reported upon

a) Every aspect of the project that is covered in the application (planning, land use and/or EIA) and the resulting approvals must be monitored and reported upon. Monitoring must be structured to:

i) establish the actual effects (negative and positive impacts) of the project against those predicted in the land use and/or EIA documentation;

ii) determine the effectiveness of mitigation measures, and

iii) take account of targets set out in the planning, land use, and/or EIA application documentation (e.g. for energy saving, for job creation).

b) All of the monitoring requirements set out in specialist studies undertaken for the EIA must be undertaken, whether these are specified in the Record of Decision or not.

c) Water resources

i) Volume of water used (per month) for irrigation, hospitality facilities and for domestic purposes.

ii) Water quality in stormwater detention ponds and stormwater outlets where these discharge into the natural environment.

iii) Groundwater quality where treated sewage effluent is used for irrigation purposes and where the aquifer is considered sensitive or of strategic importance.

iv) Monitoring must be implemented to detect changes, resulting from groundwater abstraction, to aquifer-dependent ecosystems (e.g. wetlands, seeps).

d) Biodiversity

i) Indicator species (select species that are most sensitive to disturbances resulting from the proposed project, (e.g. lack of fire/burning, nitrogen deposition, invasion by alien grasses, pollution of ground water, fragmentation of habitats, etc), both on and adjacent to the site.

ii) Change in the extent of original indigenous habitats on the site.

(iii) Portion/extent of site with dense and medium alien invasive plant cover.

e) Heritage – where and as appropriate

f) Job Creation and skills transfer

i) Actual number of jobs created in the construction and operational phase and their duration, broken down by skill category, gender and race.

ii) Actual number of permanent jobs created in the operational phase, broken down by skill category, gender and race.

iii) Actual number of temporary jobs created in the operational phase, broken down by skill category, gender and race.

iv) Number of staff trained per group (HDI, women etc.), skills development programme undertaken and comparison with targets.

v) Number of staff promoted per group (HDI, women etc.).

g) Value and nature of services procured from local businesses, particularly from SMMEs that are owned by historically disadvantages individuals, including details of where these businesses are located and their ownership profile.

### 11.4 **Enforcement responsibilities**

a) The decision-maker is responsible for ensuring that the applicant complies fully with the conditions attached to the land use approval and/or environmental authorisation. This can be achieved via participation in an

Environmental Monitoring or Liaison Committee if one is in place. Alternatively, site inspections or audits will be required.

b) The decision-maker could outsource compliance auditing and reporting of the development, if there is no capacity to deal with this in-house. In such cases, the audit must be conducted by appropriately qualified professionals, who would be responsible for ensuring that the necessary specialist skills are included in the audit team.

### 11.5 **Auditing and Reporting**

a) The applicant must undertake an audit and report on how the development is performing in terms of the requirements of the Record of Decision at least every 6 months, unless otherwise agreed with the regulatory authority.

b) The above-mentioned audit should either be undertaken by an independent environmental professional or subject to an independent audit.

c) The applicant must furthermore prepare a report, on an annual basis, on how the development is performing in terms of the requirements of the Record of Decision and all the commitments that were made by the applicant (e.g. job creation, skills development, water conservation, environmental rehabilitation). This report should be submitted to the relevant authority.

The above-mentioned report must be made available to Interested and Affected Parties upon request.

## 12. **CONCLUSIONS**

The fact that these guidelines have been developed within the context of a changing legislative and policy framework has been pointed out in this document. It will therefore be necessary to revisit these guidelines when any relevant policy (including the Western Cape Provincial Spatial Development Framework (WCPSDF)) and legislation changes to ensure that they remain current and that they continue to serve as a tool to support the implementation of such policy and legislation. These guidelines should, therefore, respond to changing circumstances and as such are a “living document”.

In the event of there being lack of definition or of items or terms being ambiguous in these guidelines, reference must be made to the applicable legislation to obtain clarity.

The intention is that these guidelines be applied or used on the basis of good faith, meaning that applicants, consultants and decision-makers will work within spirit and intent of these guidelines.

## 13. **DEFINITIONS**

This chapter deals with specific definitions relevant to this document. The definition of all other terms is in accordance with the relevant legislation and if not defined in legislation, the accepted dictionary definition will apply. In this document:

**"alternatives"**, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to -

(a) the property on which or location where it is proposed to undertake the activity;
(b) the type of activity to be undertaken;
(c) the design or layout of the activity;
(d) the technology to be used in the activity, and
(e) the operational aspects of the activity;

**"artificially landscaped areas"** are areas that are subject to ongoing active management, namely irrigation, fertilisation and the application of herbicides and pesticides and include polo fields and golf courses (except the rough area where this comprises undisturbed indigenous vegetation), but exclude areas that are being rehabilitated;

**"Biodiversity Offsets"** include those mechanisms used in certain instances to offset/compensate for unavoidable, residual biodiversity loss in threatened ecosystems.

**"bioregional planning"** is an organised process that enables people to work together, think carefully about potential problems of their region, set goals and objectives, define activities, implement projects, take actions agreed upon by the communities, evaluate progress and refine their approach (taken from the Western Cape Province's Bioregional Planning Manual);

**"buffer areas"** (in the context of bioregional planning) are made up of remaining natural habitat in endangered, vulnerable and least threatened ecosystems, including remnants (determined by CapeNature and / or SANBI (South African National Biodiversity Institute)) in accordance with the National Spatial Biodiversity Assessment and / or applicable fine-scale biodiversity plans. Extensive agriculture occurs as an overlay zone because of the close relationship between dry land grazing and veld quality (biodiversity). There are two types of Buffer Areas. Buffer 1 in which land may be converted to other uses if

satisfactory offsets are provided and Buffer 2 where no such offsets will be necessary;

**"core areas"** (in the context of bioregional planning) are terrestrial, aquatic and marine areas of high conservation importance (highly irreplaceable) that must be protected from change or restored to their former level of functioning. Both public and private ownership is permitted in Core Areas. Privately owned land should be designated in some way, either as private nature reserves or under the stewardship regulations. There are two types of Core Areas, namely Core 1 which currently enjoys a level of statutory proclamation or designation and Core 2 areas which should be brought up to Core Area 1 status;

**"corporate social responsibility"** refers to social programmes or initiatives implemented by applicants on a *voluntary* basis, and therefore excludes direct social and/or economic benefits that may accrue to the local community due to employment and procurement, which are necessary for the construction and operation of the development/project;

**"corridor development"** means an urban form that appears along main transport routes inside of an urban edge, and could pertain to either an activity corridor or a transport corridor; an activity corridor then containing a mixture of commercial activities, residential components and transport, whilst a transport corridor would connect activity nodes without the mix of activities along the route;

**"decision-maker"** means the competent authority responsible for environmental matters in the Province and/or the department responsible for land use management and planning in the Province and/or Municipalities in the Province and/or National Government;

**"designated"** means defined, specified, categorized, classed or identified;

**"developer"** or **"applicant"** means the person (including a juristic person) responsible for planning, constructing/implementing and/or operating the development/project;

**"development"** in relation to a place, means any process initiated by a person or body to change the use, physical nature, or appearance of that place, and without limitation includes:

(a) the construction, erection, alteration, demolition or removal of a structure or building for which building-plan approval is required;
(b) change of actual land-use;
(c) up- or downgrading of development rights, including the subdivision or consolidation of land;
(d) the preparation, surveying or advertising of land in anticipation of approval of amended rights or in a way as to suggest possible approval;

(e) the installation of infrastructure or the preparation of land therefor;
(f) changes to the existing or natural topography of land;
(g) the destruction or removal of vegetation, and
(h) any other physical change being brought about in respect of land, buildings, infrastructure or other structures;

**"ecological corridors"** are spatially defined (or demarcated) areas necessary for the maintenance of ecological integrity and persistence of ecological processes. Ecological Corridors link the Core 1 areas so that they create a continuous network throughout the province. They differ from Core 1 areas in that they can contain land currently designated for Buffer, Intensive Agriculture or Urban Development. Urban development, intensive and extensive agriculture should be discouraged within these corridors;

**"environment**" means the surroundings within which humans exist and that are made up of:

(a) the land, water and atmosphere of the earth;
(b) micro-organisms, plant and animal life;
(c) any part or combination of (a) and (b) and the interrelationships among and between them, and
(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

**"environmental impact assessment legislation"** means any environmental impact assessment requirements published under the Environment Conservation Act (Act 73 of 1989), the National Environmental Management Act (Act 107 of 1998) or any Provincial Act or Regulations which scope includes EIA;

**"estate"** means land containing residences usually developed in relation to significant open space, the latter which may (or may not) include other lower intensity land uses such as recreation, golf courses or polo fields;

**"golf course"** is an area of land used for playing golf or a recreational area primarily used for playing golf with a minimum of nine (9) holes. It consists of a large landscaped area for playing golf and a club house;

**"golf estate"** is a development that has a golf course and includes residential units;

"**guidelines"** means a description of the principles and the position that underpins the Province's approach applicable to golf courses, golf estates, polo fields and polo estates and the provision of information (guidance) for applicants and decision-makers for achieving the spirit and intent of the aforesaid principles or position adopted;

**"intensive agriculture"** is all land put under the plough including orchards, vineyards, forestry plantations, annual crops, pastures, and including land under irrigation;

**"leapfrogging"** means the location of new urban development beyond rural land in relation to existing settlements, other than when a planned and desirable new node is created;

**"policy"** means a description of course or principle of action, or a position adopted or proposed by an organisation, in this case the Department of Environmental Affairs and Development Planning;

**"polo field"** is an area that has been established for the playing of polo, with ancillary amenities such as stables, using horses (i.e. polo ponies) for competitive, practice or recreational purposes;

**"ribbon development"** means the location of urban facilities outside of an actual or planned urban edge, in such a way as to be likely to lead to unplanned growth of urban development areas towards each other, but excludes corridor development which may be encouraged as an urban form inside of an urban edge;

**"river corridors"** include the main stems of all rivers and their tributaries which shall be protected by a 30m buffer from urban development, intensive and extensive agriculture. Urban development, intensive and extensive agriculture should be discouraged within these corridors. River Corridors differ from Core 1 in that they currently contain land that may be designated Buffer, Intensive Agriculture or Urban Development.

**"spatial planning"** includes any planning undertaken in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), and the Physical Planning Act, 1991 (Act 125 of 1991);

**"traditional access"**, for the purposes of these guidelines, means a path or route that has been used by a community and/or the public for 30 years or more, and ordinarily the public will have acquired public access rights in terms of common law, unless the landowner has given specific notice to the contrary;

**"urban area"** is all land designated for urban development purposes within a demarcated urban edge, including open space systems, and in the absence of a demarcated urban edge, the current outer extent of urban development should apply;

**"urban edge"** means a line drawn around an urban area, which serves as an outer limit beyond which no urban development should be permitted. In addition it should play a constructive role in facilitating restructuring within the urban area;

**"urban sprawl"** means lateral urban expansion (usually in the form of suburbs) on the periphery of a town or city at relatively low development densities and in conjunction with a high degree of separation of macro-level land usage – usually at the cost of rural and/or natural landscapes, resulting in an inefficient, consumptive and non-sustainable use of land and other resources, and

**"suburb"** means a residential area, inclusive of a "township" as this term is used by most South Africans, which is located outside of the higher-density node and corridor development of a town or city – and has a clear identity, an almost totally residential character and a substantively lower density than the town or city's node or nodes and its corridor development.

## 14. ACKNOWLEDGEMENTS

The initial draft of this document, as well as the subsequent document previous to this one, were compiled by MCA Planners and MEGA (Morris Environmental & Groundwater Alliances) under the guidance of a D:EA&DP Project Management Team. This team was supported by the following specialists:

- Engineering – Arcus Gibb
- Public participation and social – DJ Environmental Consultants
- Workshop facilitation – Chand Environmental Consultants and DJ Environmental Consultants
- Economic – Grant Thornton
- Legal – Winstanley & Cullinan

The background information, on which these Guidelines are based, was also researched and prepared by the above-mentioned MCA Planners and MEGA Project Team with support specialists, in a preceding document called "Rapid Review of Golf Course and Polo Field Developments".

The above-mentioned D:EA&DP Project Management Team (Anthony Barnes, Chris Rabie, Ayub Mohamed, Zaahir Toefy and Lambert de Klerk) was formed with the responsibility of overseeing the process of guidelines formulation and the editing of the final document.

Numerous others, too many to be listed, have also contributed to the quality of this document during the public participation processes, both through the MCA Planners and MEGA Project Team as well as through the Department of Environmental Affairs and Development Planning, including the Municipalities of the Western Cape, National and other Provincial Departments and Parastatals, NGOs (such as developers and environmental forums), Ratepayers' Associations, affected communities and other Interested and Affected Parties such as concerned individual members of the public.

# 15. REFERENCES

## 15.1 **Articles and publications**


Claasen, P (2003a): Does long-term planning play a role in the search for the holy grail of environmental management, Paper presented at the IAIAsa Conference, Wilderness.
Claasen, P (2003b): The role of environmental management (spatial planning, development planning and conservation of the natural environment) in promoting sustainable development in South Africa, School for Public Management and Planning, University of Stellenbosch.

Department of Environment Affairs and Tourism (2002): Stakeholder engagement, Integrated Environmental Management Information Series 3.

Department of Environment Affairs and Tourism (2004): Review in Environmental Impact Assessment, Integrated Environmental Management Information Series 13.

De Villiers, C., Brownlie, s., Driver, A., Laidler, D. and Love, V (2004): Developing guidelines for effective incorporation of biodiversity considerations in environmental assessment: the experience of the Fynbos Forum, Paper presented at the IAIAsa Conference, Drakensberg, KwaZulu Natal.

De Villiers L and Gubb, A (2003): Roodefontein: Can we use this conflict to formulate solutions? Paper presented at the IAIAsa Conference, Wilderness.

Hattingh, J., and Selliger, L (2003): Meeting ethical challenges in environmental decision-making:
Perspectives from an ethics survey in Cape Town and surrounds, Paper presented at the IAIAsa Conference, Wilderness.

Hattingh, J., and Selliger, L (2004): Ethical challenges in environmental decision-making:
Perspectives from an Ethics Survey in Cape Town and Surrounds, Unit for Environmental Ethics, Stellenbosch University.

Institute of Transportation Engineers (2003): Trip Generation, 7th edition, Institute of Transportation Engineers USA.

Interorganisational Committee on the Principles and Guidelines for Social Impact Assessment (2003): Principles and Guidelines for Social Impact Assessment, Impact Assessment and Project Appraisal, Volume 21, Beech Tree Publishing, Surrey, UK.

Prescott-Allen, R (2001): The Well-being of Nations, Island Press.

Sadler, B (1995): EIA Process Strengthening perspectives and priorities, Report of the EIA Process Strengthening Workshop, Canberra, April 1995.

United Nations Division for Sustainable Development (2001): Report on the aggregation of indicators of sustainable development, Background paper for the 9th session of the Commission on Sustainable Development.

## 15.2 **Acts and policies**

Draft Coastal Zone Policy (2001), Department of Environmental Affairs and Development Planning, Cape Town.

Environment Conservation Act, 1989 (Act 73 of 1989), Department of Environment Affairs and Tourism, Pretoria.

Municipal Systems Act 2000 (Act 32 of 2000), Department of Local Government, Pretoria. Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), Western Cape Province, Cape Town.

National Spatial Biodiversity Assessment (2004): South African National Biodiversity Institute, Cape Town.

National Environmental Management Act, 1998 (Act 107 of 1998), Department of Environment Affairs and Tourism, Pretoria.

National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), Department of Environment Affairs and Tourism, Pretoria.

National Water Act, 1998 (Act 36 of 1998), Department of Water Affairs and Forestry, Pretoria. Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), Department of Agriculture, Pretoria. Physical Planning Act, 1991 (Act 125 of 1991), Department of Land Affairs, Pretoria.

**Annexure A**

# The Cape Town Declaration

# Responsible Tourism in Destinations

We, representatives of inbound and outbound tour operators, emerging entrepreneurs in the tourism industry, national parks, provincial conservation authorities, all spheres of government, tourism professionals, tourism authorities, NGOs and hotel groups and other tourism stakeholders, from 20 countries in Africa, North and South America, Europe and Asia; having come together in Cape Town to consider the issue of Responsible Tourism in Destinations have agreed this declaration.

*Mindful* of the debates at the United Nations Commission on Sustainable Development in 1999, which asserted the importance of the economic, social and environment aspects of sustainable development and of the interests of indigenous peoples and local communities in particular.

*Recognising* the global challenge of reducing social and economic inequalities and reducing poverty, and the importance of New Partnership for Africa's Development (NEPAD) in the process.

*Recognising* the importance of the World Tourism Organization's Global Code of Ethics, which aims to promote *responsible, sustainable and universally accessible tourism* and sharing its commitment to *equitable, responsible and sustainable world tourism* and its STEP initiative with UNCTAD, which seeks to harness sustainable tourism to help eliminate poverty.

*Conscious* that we are now ten years on from the Rio Earth Summit on Environment and Development, and that the World Summit on Sustainable Development taking place in Johannesburg will put renewed emphasis on sustainability, economic development, and in particular on poverty reduction.

*Aware* of the World Tourism Organization, World Travel and Tourism Council and the Earth Council's updated *Agenda 21 for the Travel and Tourism Industry* and the success achieved by a number of businesses, local communities and national and local governments in moving towards sustainability in tourism.

*Aware* of the work of the UNEP, and the Tourism Industry Report 2002, and work of UNESCO, and other UN agencies, promoting sustainable tourism in partnership with the private sector, NGOs, civil society organisations and government.

*Aware* of the guidelines for sustainable tourism in vulnerable ecosystems being developed in the framework of the Convention on Biological Diversity.

*Conscious* of developments in other industries and sectors, and in particular of the growing international demand for ethical business, and the adoption of clear Corporate Social Responsibility (CSR) policies by companies, and the transparent reporting of achievements in meeting CSR objectives in company annual reports.

*Recognising* that there has been considerable progress in addressing the environmental impacts of tourism, although there is a long way to go to achieve sustainability; and that more limited progress has been made in harnessing tourism for local economic development, for the benefit of communities and indigenous peoples, and in managing the social impacts of tourism.

*Endorsing* the Global Code of Ethics and the importance of making all forms of tourism sustainable through all stakeholders taking responsibility for creating better forms of tourism and realising these aspirations.

*Relishing* the diversity of our world's cultures, habitats and species and the wealth of our cultural and natural heritage, as the very basis of tourism, we accept that responsible and sustainable tourism will be achieved in different ways in different places.

*Accepting* that, in the words of the Global Code of Ethics, an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, are both the foundation and the consequence of responsible tourism.

*Recognising* that dialogue, partnerships and multi-stakeholder processes - involving government, business and local communities - to make better places for hosts and guests can only be realised at the local level, and that all stakeholders have different, albeit interdependent, responsibilities; tourism can only be managed for sustainability at the destination level.

*Conscious* of the importance of good governance and political stability in providing the context for responsible tourism in destinations, and recognising that the devolution of decision making power to democratic local government is necessary to build stable partnerships at a local level, and to the empowerment of local communities.

*Aware* that the management of tourism requires the participation of a broad range of government agencies and particularly at the local destination level.

*Recognising* that in order to protect the cultural, social and environmental integrity of destinations limits to tourism development are sometimes necessary.

*Having,* during the Cape Town Conference, examined the South African Guidelines for Responsible Tourism, tested them in a series of field visits, and explored how tourism can be made to work better for local communities, tourists and businesses alike, we recognise their value in helping to shape sustainable tourism in South Africa.

*Recognising* that one of the strengths of the South African Guidelines for Responsible Tourism is that they were developed through a national consultative process, and that they reflect the priorities and aspirations of the South African people.

*Recognising* that Responsible Tourism takes many forms, that different destinations and stakeholders will have different priorities, and that local policies and guidelines will need to be developed through multi-stakeholder processes to develop responsible tourism in destinations.

*Having* the following characteristics, Responsible Tourism:

- minimises negative economic, environmental, and social impacts;
- generates greater economic benefits for local people and enhances the well-being of host communities, improves working conditions and access to the industry;
- involves local people in decisions that affect their lives and life chances;
- makes positive contributions to the conservation of natural and cultural heritage, to the maintenance of the world's diversity;
- provides more enjoyable experiences for tourists through more meaningful connections with local people, and a greater understanding of local cultural, social and environmental issues;
- provides access for physically challenged people; and
- is culturally sensitive, engenders respect between tourists and hosts, and builds local pride and confidence.

We call upon countries, multilateral agencies, destinations and enterprises to develop similar practical guidelines and to encourage planning authorities, tourism businesses, tourists and local communities – to take responsibility for achieving sustainable tourism, and to create better places for people to live in and for people to visit.

We urge multilateral agencies responsible for development strategies to include sustainable responsible tourism in their outcomes.

Determined to make tourism more sustainable, and accepting that it is the responsibility of all stakeholders in tourism to achieve more sustainable forms of tourism, we commit ourselves to pursue the principles of Responsible Tourism.

Convinced that it is primarily in the destinations, the places that tourists visit, where tourism enterprises conduct their business and where local communities and tourists and the tourism industry interact, that the economic, social and environmental impacts of tourism need to be managed responsibly, to maximise positive impacts and minimise negative ones.

We undertake to work in concrete ways in destinations to achieve better forms of tourism and to work with other stakeholders in destinations. We commit to build the capacity of

all stakeholders in order to ensure that they can secure an effective voice in decision making.

We uphold the guiding principles for Responsible Tourism which were identified:

**Guiding Principles for Economic Responsibility**

- Assess economic impacts before developing tourism and exercise preference for those forms of development that benefit local communities and minimise negative impacts on local livelihoods (for example through loss of access to resources), recognising that tourism may not always be the most appropriate form of local economic development.
- Maximise local economic benefits by increasing linkages and reducing leakages, by ensuring that communities are involved in, and benefit from, tourism. Wherever possible use tourism to assist in poverty reduction by adopting pro-poor strategies.
- Develop quality products that reflect, complement, and enhance the destination.
- Market tourism in ways which reflect the natural, cultural and social integrity of the destination, and which encourage appropriate forms of tourism.
- Adopt equitable business practises, pay and charge fair prices, and build partnerships in ways in which risk is minimised and shared, and recruit and employ staff recognising international labour standards.
- Provide appropriate and sufficient support to small, medium and micro enterprises to ensure tourism-related enterprises thrive and are sustainable.

**Guiding Principles for Social Responsibility**

- Actively involve the local community in planning and decision-making and provide capacity building to make this a reality.
- Assess social impacts throughout the life cycle of the operation – including the planning and design phases of projects - in order to minimise negative impacts and maximise positive ones.
- Endeavour to make tourism an inclusive social experience and to ensure that there is access for all, in particular vulnerable and disadvantaged communities and individuals.
- Combat the sexual exploitation of human beings, particularly the exploitation of children.
- Be sensitive to the host culture, maintaining and encouraging social and cultural diversity.
- Endeavour to ensure that tourism contributes to improvements in health and education.

**Guiding Principles for Environmental Responsibility**

- Assess environmental impacts throughout the life cycle of tourist establishments and operations – including the planning and design phase - and ensure that negative impacts are reduced to the minimum and maximising positive ones.
- Use resources sustainably, and reduce waste and over-consumption.

- Manage natural diversity sustainably, and where appropriate restore it; and consider the volume and type of tourism that the environment can support, and respect the integrity of vulnerable ecosystems and protected areas.
- Promote education and awareness for sustainable development – for all stakeholders.
- Raise the capacity of all stakeholders and ensure that best practice is followed, for this purpose consult with environmental and conservation experts.

We recognise that this list is not exhaustive and that multi-stakeholder groups in diverse destinations should adapt these principles to reflect their own culture and environment.

Responsible tourism seeks to maximise positive impacts and to minimise negative ones. Compliance with all relevant international and national standards, laws and regulations is assumed. Responsibility, and the market advantage that can go with it, is about doing more than the minimum.

We recognise that the transparent and auditable reporting of progress towards achieving responsible tourism targets and benchmarking, is essential to the integrity and credibility of our work, to the ability of all stakeholders to assess progress, and to enable consumers to exercise effective choice.

We commit to making our contribution to move towards a more balanced relationship between hosts and guests in destinations, and to create better places for local communities and indigenous peoples; and recognising that this can only be achieved by government, local communities and business cooperating on practical initiatives in destinations.

We call upon tourism enterprises and trade associations in originating markets and in destinations to adopt a responsible approach, to commit to specific responsible practises, and to report progress in a transparent and auditable way, and where appropriate to use this for market advantage. Corporate businesses can assist by providing markets, capacity building, mentoring and micro-financing support for small, medium and micro enterprises.

In order to implement the guiding principles for economic, social and environmental responsibility, it is necessary to use a portfolio of tools, which will include regulations, incentives, and multi-stakeholder participatory strategies. Changes in the market encouraged by consumer campaigns and new marketing initiatives also contribute to market driven change.

Local authorities have a central role to play in achieving responsible tourism through commitment to supportive policy frameworks and adequate funding. We call upon local authorities and tourism administrations to develop - through multi-stakeholder processes - destination management strategies and responsible tourism guidelines to create better places for host communities and the tourists who visit**.** Local Agenda 21 programs, with their participatory and monitoring processes, are particularly useful.

We call upon the media to exercise responsibility in the way in which they portray tourism destinations, to avoid raising false expectations and to provide balanced and fair reporting.

We all have a responsibility to make a difference by the way we act.

We appreciate Calvia's (Spain) intention to host the second conference on **Responsible Tourism in Destinations** in May 2004; and recognise that this provides a focus for our work over the next two years. The Calvia Conference will focus on the roles of local authorities and tour operators in working to achieve responsible tourism.

We commit ourselves to work with others to take responsibility for achieving the economic, social and environmental components of responsible and sustainable tourism. The Calvia Conference will provide us with the opportunity to share further experience and to assess progress towards achieving better places for hosts and guests. We look forward to hearing about progress in South Africa in implementing its national responsible tourism policy and reviewing developments in other destinations.

*Cape Town, August 2002*

*For an on-line copy of the Cape Town Declaration and other material regarding responsible tourism (including the South African initiatives), go to the International Centre for Responsible Tourism's website on* www.icrtourism.org.

The International Centre for Responsible Tourism is based at the University of Greenwich. Comments on the Cape Town Declaration and suggestions for its improvement should be sent to icrtourism@yahoo.co.uk.