

APPENDIX 3: KEY ASPECTS OF TOURISM PLANNING AND DEVELOPMENT¹

During the development of this Manual, it became clear that many tourism enterprises require basic information about policy and planning considerations for tourism development in South Africa. Although this type of information is technically outside the scope of the Responsible Tourism Manual, the authors have opted to include such basic information in this Appendix, in an attempt to guide planners, practitioners and other stakeholders toward some of the minimum legally required procedures that should be addressed when planning / developing a tourism destination or enterprise.

Users of this Appendix should also note that the main Economic, Social and Environmental sections of the Manual contain information relevant to the responsible planning of destinations and enterprises. Interested readers should ideally review these sections of the Manual in addition to reviewing the information contained here

This section not only provides information about the legal requirements tourism enterprises must adhere to, but also identifies tools and procedures that, although not legally required, could contribute to the responsible planning and development of responsible tourism businesses and destinations. The Appendix consists of three parts:

- Stakeholders involved in developing tourism policies;
- Policies relevant to tourism planning and development;
- Planning responsible tourism at a destination level; and
- Planning a responsible tourism business.

Operating a responsible tourism business implies that enterprises should comply with all relevant national legislation and regulations.

A. Stakeholders involved in developing tourism policies

Local, provincial and national government all play key roles in:

- (a) the development of policy, legislation and regulations that create a setting for tourism;
- (b) the creation of forward planning frameworks (e.g. Integrated Development Plans: IDPs); and
- (c) the planning and development of core and tourism related infrastructure.

Pursuant to the South African Constitution, all spheres of government have legislative responsibility for tourism. The *1996 White Paper on the Development and Promotion of Tourism in South Africa*² is the main policy framework for tourism in South Africa. To facilitate co-operation between national, provincial and local government, the White Paper sets out the respective functions of the different spheres of government (See Table A1).

¹ **IMPORTANT NOTE:** THIS SECTION HAS BEEN INCLUDED AS A **GUIDE ONLY** IN DEVELOPING TOURISM ENTERPRISES RESPONSIBLY. IT IS THE RESPONSIBILITY OF THE ENTERPRISE TO ENSURE THAT **ALL** LEGALLY REQUIRED REGISTRATION AND PLANNING REQUIREMENTS HAVE BEEN FULFILLED. PLEASE CONSULT YOUR PROVINCIAL GOVERNMENT TOURISM DEPARTMENTS FOR DETAILED ADVICE.

² www.polity.org.za/govdocs/white_papers/tourism.html

Table A1: Governmental roles in tourism development	
Sphere of government	Functions
National government	<ul style="list-style-type: none"> • Facilitation and implementation: Establish safety, stability, security, provision of incentives for investment, enabling legal and fiscal frameworks, facilitation of active labour market policy, allocation of finances for tourism promotion and development, effective marketing and encourage foreign investment. • Coordination: With international, regional and provincial government with respect to tourism development; of tourism-related efforts of government departments and related institutions; with NGOs, labour and community organisations, training institutions, universities and other bodies. • Planning and policymaking: Formulation, monitoring and updating of a national tourism policy and strategy; development of integrated national tourism plans. • Regulation and monitoring: Application of environmental management principles in land-use development proposals to facilitate sustainable used of resources; formulation of development guidelines and regulations to facilitate sustainable and responsible development. • Development promotion: Equitable development of all destinations with tourism potential; promotion of community involvement; promote the spread of responsible tourism; promote the development of major tourism projects with national and countrywide impacts (e.g. trans-border protected areas).
Provincial government	<ul style="list-style-type: none"> • Planning and policymaking: Responsible for the formulation of tourism policies applicable to their areas, and are partners in the implementation of national policies, strategies and objectives. • Development promotion: Agreement an international marketing strategy with national tourism organisations that is co-ordinated nationally while executed with the participation and support of provincial organisations. Responsibility for domestic marketing in competition with other provinces. • Tourism development: More prominent than national government, with the involvement of local communities, environmental management, safety and security of visitors, tourism plant development, and infrastructure provision.
Local government	<ul style="list-style-type: none"> • Responsible land-use planning and control over land-use and land allocation • Provision and maintenance of tourist services, sites and attractions • Marketing of specific local attractions • Control of public health and safety • Facilitation of local community participation in the tourism industry • Ownership and maintenance of certain plant (e.g. ports and airports) • Facilitate establishment of public transport • License establishment, in line with a national framework • Promote and financially support local publicity associations
Source: DEAT (1996) <i>The development and promotion of tourism in South Africa</i> , White Paper, Government of South Africa, Department of Environmental Affairs and Tourism (www.environment.gov.za)	

The nine South African provinces have each created departments and authorities to accommodate the tourism function, and develop provincial policy and planning frameworks. Provincial policy and legislation is supposed to align with national policy, and the policies and planning frameworks of each province should embrace and reflect the principles of Responsible Tourism, which is a key feature of the 1996 Tourism White Paper.

Table A2: Sources of information about Provincial Tourism Policy and Legislation			
Province	Department	Website	Tel. No
Eastern Cape	Provincial Treasury, Economic Affairs, Environment & Tourism	http://www.ecprov.gov.za/structure/department/finance2/contacts.htm	(040) 639 2001
Free State	Environmental Affairs and Tourism	http://mangaung.ofs.gov.za/VPR_2.0/page2_eng.htm	(051) 4033719
Gauteng	Finance and Economic Affairs	http://www.finance.gpg.gov.za/neweconomic.htm	011) 355-8701
KwaZulu Natal	Economic Affairs and Tourism	http://www.kzn-deat.gov.za/	(031) 307 6111
Limpopo	Finance and Economic Affairs	http://www.greatnorth.co.za/	(015) 295 3334
Mpumalanga	Finance and Economic Affairs	http://mpumalanga.mpu.gov.za/new_department_folder/finance_economics.html	(013) 766 4004
North West	Economic Development and Tourism	http://www.tourismnorthwest.co.za/	(018) 386-1225
Northern Cape	Economic Affairs and Tourism	http://ncwebpage.ncape.gov.za/	(053) 8314227
Western Cape	Economic Affairs, Agriculture and Tourism	http://www.westerncape.gov.za/redirect.asp?ID=192&KW=	(021) 483 4165

B. Policies relevant to Tourism Planning and Development

There is a range of national policies, laws and regulations that are not necessarily directed at tourism but may potentially affect tourism destinations and businesses (See Table A3).

Table A3: Policy frameworks, legislation and regulations affecting tourism operations	
<p>Department of Environmental Affairs & Tourism www.environment.gov.za</p> <p>White Paper on the Development and Promotion of Tourism in South Africa 1996 Marine Living Resources Act No 18 of 1998 Marine Living Resources Amend Act No 68 of 2000 Tourism Amendment Act No 8 of 2000 Tourism Second Amendment Act No 70 of 2000 National Environmental Management Act. No 107 of 1998 White Paper on Sustainable Coastal Development, 2000 National Veld and Forest Fire Act, No. 101, 1998 World Heritage Convention Act, No. 49, 1999 Conservation of Natural Resources Act, 1983 Atmospheric Pollution Prevention Act, 1965 *White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, 1997 Draft White Paper on Environmental Education Environmental Impact Assessment Regulations (1997) White Paper on Integrated Pollution and Waste Management for South Africa, 2000</p>	<p>Department of Labour www.labour.gov.za</p> <p>Basic Conditions of Employment Act No 75 of 1997 Compensation for Occupational Injuries & Diseases Act No 61 of 1997 Employment Equity Act No 55 of 1998 Employment Equity Act Regulations Extension of Security of Tenure Act No 62 of 1997 Labour Relations Act No 66 of 1995 Labour Relations Amendment Act No 127 of 1998 Labour Relations Amendment Act No 42 of 1996 Skills Development Act No 97 of 1998 Skills Development Levies Act No 9 of 1998 Skills Development Levies Act - Regulations No 104 Unemployment Insurance Act No XX Of 2002 Promotion of Equality & Prevention of Unfair Discrimination Act No 4 of 2000 Regulation 24 (2) (c) of the National Standards Bodies Regulations of 28 March 1998, the Standards Generating Body (SGB) for Hospitality, Tourism, Travel, Gaming and Leisure Occupational Health & Safety Act 1993</p>

Table A3 (Continued.): Policy frameworks, legislation & regulations affecting tourism operations

<p>Department of Education http://education.pwv.gov.za</p> <p>Department of Health http://196.36.153.56/doh</p> <p>Regulations under the Health Act No 63 of 1977 Proposed Regulations for the Control of Environmental Conditions Constituting a Danger to Health or a Nuisance. Tobacco Act - Regulations Tobacco Products Controls Amendment Act No 12 of 1999</p> <p>Department of Arts, Science, Culture and Technology www.dacst.gov.za</p> <p>National Heritage Resources Act, No. 25, 1999 Provisional Declaration of Types of Heritage Objects Notice 630, 2000</p> <p>Department of Land Affairs http://land.pwv.gov.za</p> <p>*White Paper on Spatial Planning and Land Use Management, 2001 *Development Facilitation Act, No. 67, 1995 *Restitution of Land Rights Act No 22 of 1994</p> <p>Department of Home Affairs http://home-affairs.pwv.gov.za</p>	<p>Department of Trade & Industry www.dti.gov.za</p> <p>Liquor Bill - 1989 Competitions Act No 89 of 1998 Competitions Amendment Act No 35 of 1999 Green paper on Electronic Commerce. Nov 2000 National Small Business Act. No 102 of 1996 Liquor Amendment Act No 57 of 1995</p> <p>Department of Minerals and Energy Affairs www.dme.gov.za</p> <p>Energy Policy White Paper Dec 1998 *White Paper on Minerals and Mining Policy for South Africa, 1998 White Paper on an Energy Policy for South Africa, 1998</p> <p>Department of Water Affairs & Forestry www.dwaf.gov.za</p> <p>National Water Act No 36 of 1998 National Water Amendment Act. No 45 of 1999 Water Amendment Act No 58 of 1997 Water Services Act, No. 108, 1997 National Water Act, No. 36, 1998 National Forests Act, No. 84, 1998</p> <p>Provincial & Local Government www.local.gov.za/DCD/dcdindex.html</p> <p>The Constitution of the Republic of South Africa Local Government Municipal Systems Act, No 32 of 2000</p>
<p>Source: Adapted from Spenceley, A. (2001) <i>Integrating Biodiversity into the Tourism Sector: Case Study of South Africa</i>, Report to United Nations Environment Programme - Biodiversity Planning Support Programme</p> <p>* Information regarding specific aspects of these policies that relate to responsible tourism can be found next</p> <p>** You can access these documents through the websites of the departments, or these portals. (http://www.parliament.gov.za/; http://www.polity.org.za/; http://www.gov.za/)</p>	

Specific aspects of some national policies that relate to responsible tourism follow:

White Paper on Spatial Planning and Land Use Management, 2001

(<http://www.gov.za/whitepaper/2001/spatialplanning.htm> - principles)

Wise land use: application of principles and norms

Holistic approach to land development in order to minimise negative impacts

Land development and planning process must integrate disaster prevention, management or mitigation measures

Development Facilitation Act, 1995

(<http://www.polity.org.za/govdocs/legislation/1995/act95-067.html>)

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

- Members of communities affected by land development should actively participate in the process of land development;
- The skills and capacities of disadvantaged persons involved in land development should be developed.

Land Policy

(<http://land.pwv.gov.za/White%20Paper/whitetab.htm>)

- Alleviation of poverty and environmental degradation;
- Inappropriate land development;
- Lack of community involvement in land development;
- Lack of effective, integrated environmental management.
- Incorporating environmental concerns in project planning.

White Paper on the Conservation and Sustainable use of Biological Diversity, 1997 ; (<http://www.gov.za/whitepaper/1997/conservation.htm>)

- Maintain and strengthen existing arrangements to conserve South Africa's indigenous biodiversity, both inside and outside of protected areas;
- Promote environmentally sound and sustainable development in areas adjacent to or within protected area, with a view of furthering protection of these areas;
- Restore and rehabilitate degraded ecosystems, and strengthen and further develop species recovery plans where practical and where this will make a significant contribution to the conservation and sustainable use of biological diversity;
- Regulate the transfer, handling, use and release of genetically modified organisms in order to minimise the potential risks to biodiversity and human health.

White Paper on Forestry

(<http://www.dwaf.gov.za/Forestry/Forestry Policy/nfap.htm> - 4.2. Industrial forestry)

- Industrial forestry;
- Community forestry;
- Managing indigenous forests;
- Promoting a sustainable forest sector;
- Women in forestry;
- Education and training.

White Paper on Minerals and Mining Policy

(<http://www.gov.za/whitepaper/1998/minwhite98.htm> - Chapter Four)

- Environmental impact of exploration;
- Environmental impact over the life of a mine, mine closure and financial assurances for mine site rehabilitation;
- Maintaining rehabilitation measures where mining activity has ceased;
- Monitoring occurrences of pollution;
- Ongoing research with a view of improving and strengthening the measures, standards and practice applied to managing the impacts on the environment and to control pollution;
- Monitor compliance with the requirements of the national environmental management policy.

Towards Water Services White Paper (April 2002)

(<http://www.gov.za/gazette/whitepaper/2002/23377.pdf>)

- Community participation and the planning process;
- Effective and efficient service provision;
- Performance and monitoring.

White Paper on Disaster Management

<http://www.gov.za/whitepaper/1999/19676.pdf>

- Veld fires and rapid urbanisation;
- Develop integrated disaster management strategies that emphasis risk reduction;
- Ensure that South Africa's transportation, electricity, etc. are able to withstand expected natural and other threats;
- Ensure the development of marginal and environmental fragile areas is appropriate and properly planned;
- Training and Community Awareness: (community training, development of curriculums for schools, and formal training).

C. Planning for responsible tourism at a destination level

To ensure that planning for tourism is responsible, the planning initiators and participants in the process need to adhere to three requirements:

- 1 The tourism planning process must take place as part of, or feed into, legislated mechanisms and processes, in this case the Integrated Development Plan (IDP) for the area³.
- 2 The principles of Responsible Tourism should be incorporated into the values underpinning the plan or strategy.
- 3 The planners must invite participation and input from all stakeholders and interested parties.

Box A1: Sources of information about Integrated Development Planning

Integrated Development Planning Guides (www.local.gov.za)

IDP Requirements (www.polity.org.za/govdocs/legislation/1998/act98-107.html)

- Desired spatial form and desired patterns of land use
- Strategic guidance regarding the location and nature of development in the local area
- Capital investment framework
- Strategic assessment of the environmental impact of the spatial development framework

Strategic Environmental Assessments (SEA) (www.iaia.org/Publications/sp1.pdf)

SEA in South Africa (www.iaia.org/Publications/sea-sa.pdf)

Many villages, towns, districts and cities throughout South Africa have identified tourism as a key economic growth sector. To capitalise on the opportunities associated with the growth of tourism in destinations, many local areas prepare tourism development frameworks, strategies and plans. Any one, or a combination, of the following parties can initiate planning for tourism in a local area:

- Local government;
- Members of industry;
- Community members;
- Non-governmental or community-based organisations.

Box A2: Tools for public participation

DWAF. 2001. *Generic Public Participation Guidelines* (www.dwaf.gov.za/Documents/Other/GPPG/guide.pdf)

International Association for Public Participation (www.iap2.org)

- IAP Spectrum for public participation
- Public participation toolbox (www.iap2.org/practitionertools/toolbox.pdf)
- IAP2 Bibliography - a comprehensive listing of titles on public participation

³ Integrated Development Plans (IDPs) are the "principal strategic planning instrument which guides and informs all planning and development, and all planning and decisions with regard to planning, management and development in the municipality"³.

The IDP process focuses on integration of all development needs and priorities, and links budgets to priority projects. It is therefore critically important that the drivers of the tourism planning process ensure the recommendations and projects identified in the tourism plan/strategy are fed into the overall IDP process, particularly the spatial framework and financial plan.

D. Planning a responsible tourism business

Planning for tourism involves the evaluation of an activity or development in relation to a particular site. The tourism developer or entrepreneur should take heed of the various policies and regulations governing site development and the establishment of businesses.

Site planning and development

- **Rezoning**

One of the first steps that a developer needs to take is to approach the local municipality to establish whether the Town Planning Scheme permits the planned activity on the site that has been chosen. If the municipality zoning is not compatible with the planned activity, the developer will be required to lodge a rezoning application with the local authority before being able to proceed with the development. Qualified town and regional planners will be able to advise regarding the requirements and procedures for a rezoning.

Note that some local authorities will not process rezoning applications and grant planning permission if environmental authorisation is not submitted together with the rezoning application to the local authority. Environmental authorisation usually takes the form of a Record of Decision issued by the provincial environmental authority after review of the environment impacts of a development described in a development application, scoping report, or Environmental Impact Report (EIR).

- **Environmental Impact Assessments**

The objectives of Environmental Impact Assessments (EIA) are⁴:

- To ensure that the environmental effects of proposed activities are taken into consideration before decisions in this regard are taken;
- To promote sustainable development, thereby achieving and maintaining an environment which is not harmful to people's health or well-being;
- To ensure that identified activities which are undertaken do not have a substantial detrimental effect on the environment;
- To ensure public involvement in the undertaking of identified activities;
- To regulate the process and reports required to enable the Minister or his designated content authority to make informed decisions on activities.

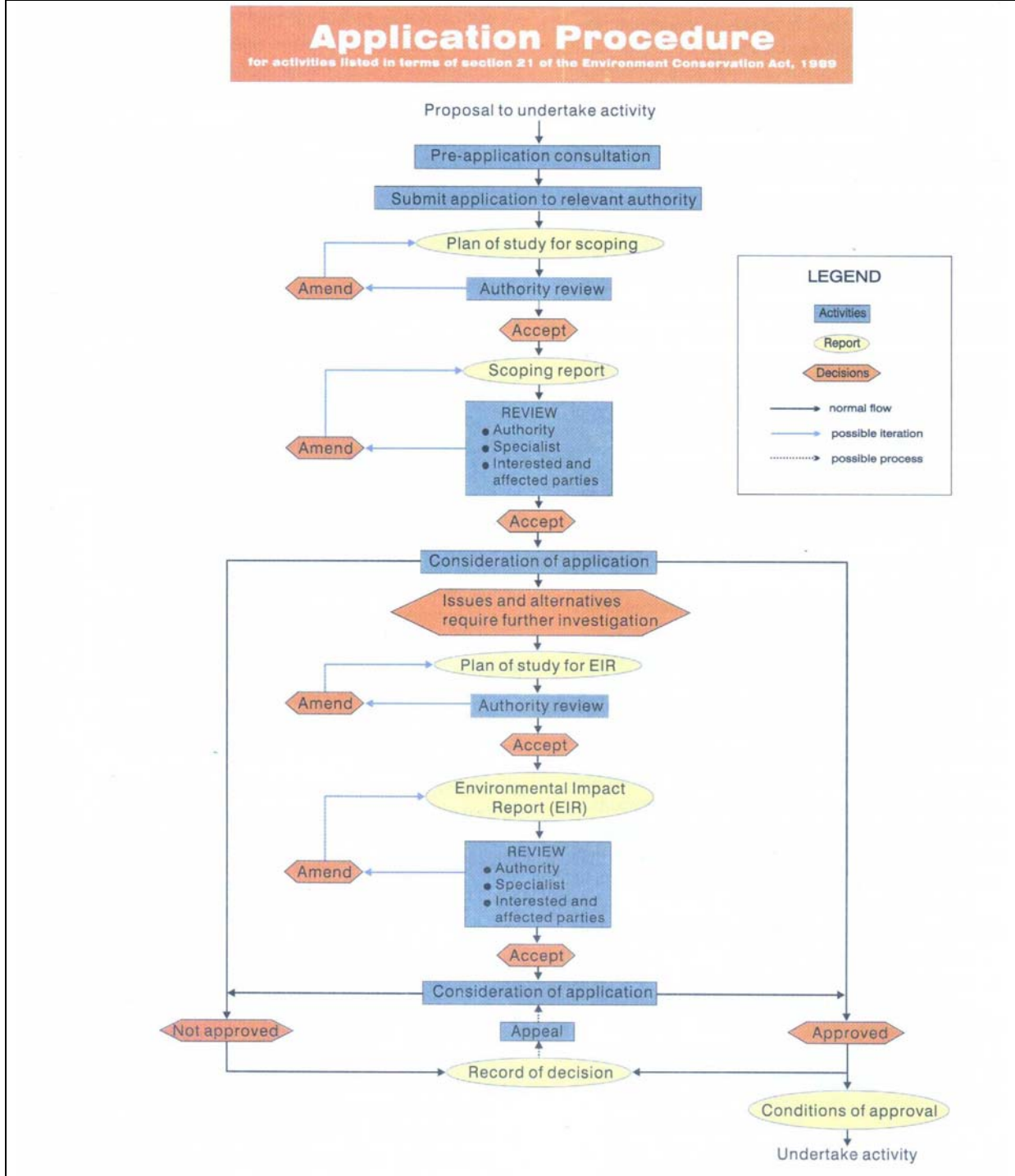
It is compulsory to undertake environmental assessments for those activities likely to have a 'substantial detrimental effect' on the environment⁵. An EIA has to be undertaken prior to the development of certain types of activities, such as cableways and resorts, or any type of activity within specific designated areas, such as private nature reserves or heritage areas. To determine whether the development proposed requires an EIA, take a look at the list of demarcated areas and the description of activities in the regulations (www.environment.gov.za/PolLeg/GenPolicy/eia.htm)

⁴ Sections 21, 22 and 26 of the Environment Conservation Act of 1989

⁵ Environmental Impact Assessment Regulations (R1182 and R1183 of September 1997) in terms of the Environment Conservation Act, 1989 (Act 73 of 1989). Note that the regulations have recently been amended in order to address inconsistencies and ambiguities that have emerged in the interpretation of the regulations (www.environment.gov.za).

Guideline document - EIA regulations), and approach the planning department of your local authority for assistance if you are unsure.

Figure A1: The EIA process (Source: DEAT)



Note that the EIA regulations require the appointment of an independent consultant to assist you to comply with the regulations and carry out the environmental assessment. The consultant must advise

the developer as to what information must be provided to the authority and the required procedures such as advertising and the public participation process.

Box A3: Selecting an EIA practitioner

EIA practitioners will be able to guide prospective developers in respect of the steps that must be undertaken to comply with relevant legislation. It may be beneficial to obtain the services of an independent EIA practitioner/consultant as early as possible in the planning process. The consultant will then undertake most of the initial discussions with the relevant authority on behalf of the developer.

There are a large number of environmental practitioners, and selecting an experienced and competent consultant may seem like a difficult task. Your local authority or provincial environmental authority may be able to provide you with the names of reputable environmental consultants. The South African office of the **International Association for Impact Assessment** has chapters throughout the country, which should be able to provide a list of consultants working in your geographical area (www.iaia.za.org)

In order to uphold professional standards and provide some level of assurance about the quality of environmental assessment work, the **Certification Board for Environmental Impact Practitioners in South Africa (CBPSA)** (www.eapsa.co.za/home.html) launched a voluntary certification scheme in 2001. The details of certification are still being finalised. In future, certified Environmental Impact practitioners will be listed on the CBPSA website.

Responsible EIAs should also look beyond the site-specific issues of the tourism development, to consider associated indirect impacts (e.g. improving access to environmentally sensitive resources).

The provincial environmental authorities receive all EIA applications for consideration, but may delegate the function of receiving and processing applications to local authorities, in which case applications must be submitted to the local authority, or in certain instances referred to the national Department of Environmental Affairs and Tourism (DEAT). However, not all proposed developments are subject to a comprehensive EIA. After reviewing your application, the relevant authority may decide:

- To issue an authorisation to undertake the activity with or without conditions;
- That the information contained in the Scoping Report should be supplemented by an Environmental Impact Report (EIR); or
- To decline the application.

If the application is approved or refused, the relevant authority will issue a Record of Decision. Should an EIR be required, the developer will have to undertake a comprehensive EIA. Once the EIA has been completed and an EIR compiled, the relevant authority will review of the EIR and grant or refuse permission for the activity to go ahead, manifest in a Record of Decision issued to the developer.

Box A4: Sources of information about Environmental Impact Assessments

South Africa

- Department of Environmental Affairs and Tourism (www.environment.gov.za)
- Environmental Impact Assessment Regulations (www.environment.gov.za/PolLeg/GenPolicy/eia.htm)
- International Association for Impact Assessment - South Africa (www.iaia.za.org)
- Certification Board for Environmental Impact Practitioners in South Africa (www.eapsa.co.za/home.html)

International

- International Association for Impact Assessment (www.iaia.org)
- Principles of EIA best practice (www.iaia.org/Publications/Principles%20of%20IA.PDF)
- Guidelines and principles for Social Impact Assessment (www.iaia.org/Publications/SIA%20Guide.PDF)

- **Heritage permits**

The Heritage Act⁶ determines that no alterations may be made to any structure older than 60 years, or to an archaeological or palaeontological site, etc., without a permit issued by the relevant provincial heritage resources authority.

- **Planning permissions**

Once all the requirements for the development application (which may include an EIA and granting of a heritage permit) have been fulfilled, the relevant planning authority will issue permission for the proposed development. The documentation recording planning permission may stipulate certain conditions that must be complied with, for instance regarding the visual appearance of any new structures.

Business Planning and Establishment

A legally trading and operating tourism business must comply with a range of legal requirements.

- **Licensing and Registration**

Developers should approach the Local and District Municipalities to register the business. To operate as a **tourist guide**, application must be made to the provincial tourism authority.

- **Regulations and By-Laws**

The application for a trading licence will be circulated by the Local Council to the Health, Fire and Building inspectors and to the Town Planning Department. These bodies will ensure that plans comply with their regulations before the application can be approved.

- **Road Transportation Permit**

Every vehicle that is to carry passengers for reward (i.e. paying passengers) should have its own Road Transportation Permit. Applications should be made to the Local Transportation Board for the permit. Once completed, the forms must be submitted to the Road Transportation Board and the proposed travel routes are gazetted together with details of the application. After the application has been gazetted and the period for objections has elapsed, the applicant will be called to a sitting of the Board where the application and any objections will be heard. The Board will subsequently make its decision, which will be communicated to the applicant or his/her representative. At the hearing the applicant may attend in person or may appoint a representative.

- **Public Driving Permit**

To drive paying passengers (tourists) on public roads, a tour operator is required by law to have a public driving permit. You must hold a valid driving licence for the size vehicle that you intend to drive. This permit may be obtained from the Provincial Road Traffic Inspectorate.

- **Tourism road signs**

The erection of road signage requires approval from:

- The National Department of Transport in the case of **national roads**;
- The Facility Signs Committee in the Provincial Department of Transport in the case of **secondary roads**;
- The Local Municipal Engineer in the case of local roads within a Local Municipality area.

⁶ National Heritage Resources Act, 25 of 1999 (www.polity.org.za/govdocs/legislation/1999/act25.pdf)

Box A5: Sources of information about tourism business development**Provincial Tourism Organisations/Authorities**

Eastern Cape	www.ectourism.co.za
Free State	www.fstourism.co.za
Gauteng	www.gauteng.net
KwaZulu-Natal	www.tourism-kzn.org
Limpopo	www.greatnorth.co.za
Mpumalanga	www.mpumalanga.com
North West	www.tourismnorthwest.co.za
Northern Cape	www.northerncape.org.za
Western Cape	www.capetourism.org www.westerncape.gov.za/eaat/tourism/default.asp

- DEAT/DTI (2002) Handbook: Support programmes for tourism businesses (www.environment.gov.za) This pamphlet has information about marketing assistance, the Poverty Relief Program, the Small medium enterprise development program (SMEDP), financial assistance from the Development Bank of Southern Africa and the Industrial Development Corporation, and Khula Enterprise Finance, plus training through the Tourism Enterprise Program
- KwaZulu Natal Tourism Authority (Undated) How to establish a tour operating business (www.kzn.org.za/kzn/investors/9.html) This document deals with legal requirements of registration and permits for tourism businesses, business and financial issues, and provides useful contacts.
- Requirements to become a tour operator (www.satsa.com/usefulinfo/index.html)
- Strasdas, W. (with contributions from Corcoran, B. and Petermann, T.) (2002) The ecotourism training manual for protected area managers, German Foundation for International Development (DSE)