

Environmental Legal Register

for the

Nelson Mandela Bay Municipality
2012/2013



Nelson Mandela Bay Municipality Environmental Legal Register

This Environmental Legal Register summarises the main environmental legislation as it applies to the activities, products, and services of the Nelson Mandela Bay Municipality (NMBM).

The objective of this document is to provide guidance to municipal officials regarding the environmental legislation that may be applicable during the normal execution of their duties. It should be noted that this register is not a compendium of all environmental legislation and Municipal officials are advised to obtain clarification from the Environmental Management Sub Directorate regarding environmental legislation, should there be any doubt regarding the Municipality's obligations.

Should questions regarding the interpretation of legislation as summarized in this document arise, the reader is advised to consult the original legislation. Copies of Policies, Bills, Acts and Regulations can be obtained from the Environmental Management Sub Directorate.

The inclusion of draft legislation in this register has been kept to a minimum in order to maintain the focus of the document on existing legal obligations. This register includes a summary of the main environmental Bills and some proposed Regulations published **before 30 June 2013**. The exclusion of Policies, White Papers, and Draft Bills, from this register does not imply that they are not applicable or that they may not result in additional legal obligations for the NMBM.

PLEASE TAKE NOTE:

The Municipality has updated some of its by-laws. The by-laws mentioned in this Legal Register might have been slightly changed or incorporated into other by-laws.

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CHAPTER 1: LEGISLATION RELATED TO GENERAL ENVIRONMENTAL MANAGEMENT	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Constitution of the Republic of South Africa Act 108 of 1996 <ul style="list-style-type: none"> ◦ Amended by Constitution Sixteenth Amendment Act of 2009 in GG 32091 / 02-04-2009 	
<ul style="list-style-type: none"> • Municipal Systems Act 32 of 2000 <ul style="list-style-type: none"> ◦ Amended by the Local Government Municipal Systems Amendments Act 7 of 2011 	
<ul style="list-style-type: none"> • The National Environmental Management Act 107 of 1998 <ul style="list-style-type: none"> ◦ Amendment of Schedule 3, GN 731, GG 35665 <p>As amended by:</p> <ul style="list-style-type: none"> ◦ National Environmental Management Amendment Act 56 of 2002 ◦ Mineral and Petroleum Resource Development Act 28 of 2002 ◦ National Environmental Management Amendment Act 46 of 2003 ◦ National Environmental Management Amendment Act 8 of 2004 ◦ National Environmental Laws Amendment Act 44 of 2008 ◦ National Environmental Management Amendment Act 62 of 2008 ◦ National Environmental Amendment Act 14 of 2009 in GG 32580 / 18-09-2009 	Applicable to all Directorates
<ul style="list-style-type: none"> • Control of vehicles in the coastal zone <ul style="list-style-type: none"> ◦ Guidelines on the implementation of vehicles in the coastal zone GN R1426/2004 • NEMA EIA Regulations: <ul style="list-style-type: none"> ◦ EIA, Regulations, 2010 – GN R543/2010 ◦ Listing Notice 1 of 2010 – GN R544/2010 ◦ Listing Notice 2 of 2010 – GN R545/2010 ◦ Listing Notice 3 of 2010 - GN R546/2010 ◦ Guideline for implementation: Environmental Management Assessment Regulations, 2012 – GN 805/2012 ◦ Guideline for implementation: Environmental Management Framework GN 806/2012 ◦ Guideline for implementation: Public Participation in the EIA process GN 807/2012 	
<ul style="list-style-type: none"> • Environment Conservation Act 73 of 1989 <ul style="list-style-type: none"> ◦ Notices under the Act (most have been repealed) 	
<ul style="list-style-type: none"> ◦ GN 1986 of 1990-08-24: Identification of Matter as Waste - Notice in terms of Section 1 ◦ GN R149/2009: Waste tyre Regulations – Notice in terms of Section 24B 	

<ul style="list-style-type: none"> ○ GN R154 of 1992-01-10: Noise control Regulations ○ GN 625/2003: Regulations under Section 24(d) of the Environment Conservation Act – plastic carrier bags and plastic flat bags - Notice in terms of Section 24 ○ R1196 of 2004: Regulations regarding waste disposal sites ○ GN 91 in GG 23053 of 16-01-2002: Gives direction in terms of Section 20(5)(b) with regard to the control and management of general communal and general small disposal sites - Notice in terms of Section 20 ○ GN 51 in GG 15428 of 21-01-1991: General Environmental Policy ○ R1184/97 – Repealed by GN R615 in GG 28938 of 2006-06-23 with effect from 3 July 2006 ○ R1182/97 – Repealed by GN R615 in GG 28938 of 2006-06-23 with effect from 3 July 2006 ○ R1183/97 – Repealed by GN R616 in GG28938 of 2006-06-23 with effect from 3 July 2006 <p>Latest amendments to the Act</p> <ul style="list-style-type: none"> ○ National Environmental laws Amendment Act 44 of 2008 – GN 902/GG 32563/ 2009-09-11 ○ National Environmental Laws Amendment Act 14 of 2009 	
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Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA 108 OF 1996</p> <p>AS AMENDED BY CONSTITUTION SIXTEENTH AMENDMENT ACT OF 2009</p> <p><i>Department of Constitutional Development</i></p>	<p>The Constitution is the supreme law of the country and as such all other legislation is required to be consistent with its provisions and principles.</p> <p>The Constitution of South Africa contains a Bill of Rights with a number of clauses related to environment and sustainable development.</p> <p>The powers and functions of each level of government, including local government are also stipulated.</p>	<p>All by-laws made by the Municipality should be consistent with its provisions subject to limitations of rights (i.e. not all rights are absolute).</p> <p>Furthermore, it is important for NMBM to have knowledge of the Constitution as:</p> <ul style="list-style-type: none"> • The Constitution includes a limitations clause which may allow justifying infringements of rights under certain circumstances; • Greater transparency and openness with respect to activities will be required as the availability of information to the public is guaranteed in certain circumstances.
	<p>Section 24 Environmental Clause “Everyone has the right</p> <p>a) to an environmental that is not harmful to their health or well-being;</p> <p>b) to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that</p> <p>(i) prevent pollution and ecological</p>	<p>Section 24 provides an overarching environmental principle for any activities and commits all spheres of government, including NMBM, to sustainable development.</p> <p><i>This is a principle for NMBM to adhere to rather than a specific law. NMBM has an obligation to ensure that the environment is</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>degradation;</p> <p>(ii) promote conservation; and</p> <p>(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”</p>	<p><i>protected</i></p> <p>The Government has enacted legislation to give effect this right. See the National Environmental Management Act 107 of 1998.</p>
	<p>Other Rights</p> <ul style="list-style-type: none"> ▪ Section 32: Every person has a right to information held by the State and to information held by other people that is required in the exercise or protection of a right ▪ Section 33: Everyone has a right to just and procedurally fair administrative action 	<p>The Promotion of Access to Information of 2000 and the Promotion of Administrative Justice Act 3 of 2000 provide been enacted to give effect to these rights.</p> <p><i>NMBM has an obligation to ensure that their activities regarding environmental management give effect to these rights.</i></p>
	<p>Section 36 Limitation of Rights</p> <p>The rights in the Bill of Rights are not absolute and may be limited provided the limitation is reasonable and justifiable.</p>	
	<p>Section 152 Objectives of Local Government</p> <p>“The objects of local government are -</p> <ol style="list-style-type: none"> a) to provide democratic and accountable government for local communities; b) to ensure the provision of services to communities in a sustainable manner; c) to promote social and economic development; d) to promote a safe and healthy environment; and e) to encourage the involvement of communities and community organisations in the matters of local government. 	<p>NMBM are required to ensure that these objectives are met and that development in the municipality is sustainable.</p>
	<p>Section 184 Reporting</p> <p>All relevant organs of state must provide the Human Rights Commission (HRC) with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.</p>	<p><i>NMBM is required to report to the HRC on progress on measures taken towards realising the Bill of Rights, including sustainable development.</i></p> <p>The EMS through the State of Environment Report will provide NMBM with the means of reporting to the Commission.</p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
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Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>MUNICIPAL SYSTEMS ACT 32 OF 2000 (AS AMENDED BY LOCAL GOVERNMENT MUNICIPAL SYSTEMS AMENDMENT ACT 7 OF 2011)</p>	<p>The Act regulates the rights, duties and functions of municipalities as well as the core principles and processes required in municipalities.</p> <p>In terms of the Act it is the duty of a municipality to:</p> <ul style="list-style-type: none"> • Strive to ensure that municipal services are provided in a manner that is financially and environmentally sustainable; • Promote a safe and healthy environment in a municipality • Contribute to the realisation of the fundamental rights in the Constitution. 	<p>The Act commits NMBM to sustainable development and the upholding of the environmental right enshrined in Section 24 of the Constitution.</p> <p>The NMBM must ensure that the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances.</p> <p><i>Legislation intended to protect the environment and human health and safety is complied with.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) 107 OF 1998</p> <p>(as amended by NEMA Act 56 of 2002, MPRD Act 28 of 2002, NEMA Act 46 of 2003, NEMA Act 8 of 2004, National Environmental Laws Amendment Act 44 of 2008, National Environmental Management Act 62 of 2008 and National Environmental Laws Amendment Act 14 of 2009)</p>	<p>NEMA provides for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of the State.</p> <p>In addition, there is provision for environmental management, pollution control, enforcement of environmental laws and prosecution.</p> <p>Section 2 Principles</p> <p>Lists a set of principles that apply to organs of State. The principles apply alongside other considerations including socio-economic considerations and guide the administration and interpretation of environmental management legislation.</p> <p>The principles include (but are not limited to):</p> <ul style="list-style-type: none"> • Development must be sustainable • Environmental management must be integrated at put people and their needs at the forefront • Environmental justice and equitable access to environmental resources • Pollution must be avoided or minimised and remedied • Waste must be avoided or minimised, reused or recycled • Negative impacts must be minimised • Participation of interested and affected 	<p>The Municipality's Environmental Management System if founded on the principles detailed in this Act.</p> <p>These principles provide government with a framework in which decision making should occur and must be taken into consideration when a government department exercises its powers, for example, during the granting of permits and the enforcement of existing legislation or conditions of approval.</p> <p>The principles are captured in the NMBM's Environmental Framework and Environmental Policy.</p> <p><i>NMBM need to ensure that their activities and any decisions that they may make which affect the environment adhere to these principles.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p><i>National Department of Environmental Affairs (DEA)</i></p>	<p>parties must be promoted and their views taken into account</p> <ul style="list-style-type: none"> • Responsibility for the environmental health and safety consequences of a policy, project, product or service exists throughout its life cycle • The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted. • 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 resources usage and development pressure. • 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 people's common heritage. • Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures • There must be intergovernmental co-ordination and harmonisation of policies, legislation and actions to the environment 	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NEMA (CONT)</p> <p>Provincial Department of Economic Development Environmental Affairs and Tourism (DEDEAT)</p>	<p>Section 11 Environmental implementation plans and management plans The purpose of environmental implementation plans and environmental management plans is to:</p> <ul style="list-style-type: none"> • Coordinate and harmonise the environmental policies, plans programmes and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment and of provincial and local spheres of government. <p>Section 24 Environmental authorisations The potential consequences for or impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on. Reporting is to the competent authority (Currently the Provincial Department of Economic Development Environmental Affairs and Tourism) or the Minister of Minerals and Energy except in respect of those activities that may commence without requiring environmental authorisation in terms of this Act.</p> <p>Environmental Assessments may be required for:</p> <ul style="list-style-type: none"> • Listed activities; • Geographical areas where certain activities may be specified as requiring authorisation; <p>Furthermore, geographical areas may be identified where specified activities may take place without requiring authorisation.</p> <p>In cases where an activity has a detrimental effect on the environment, the Minister may require certain existing (either generic or individual) activities to apply for environmental authorisations.</p>	<p>The Municipality is required to adhere to the relevant environmental implementation and management plan and the principles contained in Section 2 in the preparation of any policy, programme or plan, including the establishment of integrated development plans and land development objectives</p> <p>It is an offence to commence a listed activity prior to obtaining an environmental authorisation (except in response to an emergency, to protect human life, property, or the environment.</p> <p><i>NMBM are obliged to obtain and environmental authorisation for any activity they propose which may be listed in terms of this Act.</i></p>
	<p>Section 24G: Rectification of unlawful commencement or continuation of a listed activity On application by a person who has committed an offence in terms Section 24 F(2)(a), the Minister or MEC may direct the applicant to compile a report containing;</p>	<p>NMBM should make sure that all listed activities have an Environmental Authorisation and that no unlawful activities are allowed to take place</p> <p>Outlines the process that should be followed</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<ul style="list-style-type: none"> • An assessment of the nature, extent, duration and significance of the impacts of the activity on the environment, including the cumulative effects • Description of mitigation measures undertaken or to be undertaken in respect of the impacts of the activity on the environment • A description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how issues raised have been addressed • An environmental management plan • The above is subjected to paying an admin fine not exceeding R1 million rand. <p>Section 24 (5e): Environmental Impact Assessments, or other specified tasks associated with an application for authorisation, may only be performed by an environmental assessment practitioner registered in accordance with the prescribed procedures (these are in progress).</p>	<p>in an occurrence of an illegal development.</p> <p>NMBM should ensure the Environmental Assessment practitioners appointed to apply for environmental authorisations on behalf of the NMBM are competent (i.e. registered with a body recognised by this Act).</p>
	<p>Section 28 Duty of care and remediation of environmental damage.</p> <p>Section 28 obliges "Every person who causes, has caused or may cause significant pollution or degradation of the environment" to take reasonable measures to prevent pollution or degradation or to minimise or rectify the impact of pollution.</p> <p>The authorities may direct an industry to rectify or remedy a potential or actual pollution problem. If such a directive is not complied with, the authorities (national or provincial environmental authority) may undertake the work and recover the costs from a number of different parties including the responsible party, the landowner or the party who failed to prevent the pollution.</p>	<p><i>NMBM is obliged to take actions to prevent pollution or degradation of the environment.</i></p> <p><i>NMBM are obliged to rectify any significant pollution or environmental degradation that their actions or lack of action may have resulted in.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
NEMA (CONT)	<p>Section 30: Control of Emergency Incidents</p> <p>Section 30 provides for the control of "emergency incidents" which could cause potentially serious pollution or detriment to the environment. The responsible party is obliged to remedy the effects of the incident.</p> <p>The relevant authority (the local authority in the first instance) must direct the responsible parties to contain, minimise and remedy the effects of the incident or to undertake these measures themselves and claim reasonable costs from the responsible party. A verbal directive must be confirmed in writing within 7 days. A relevant authority must prepare a comprehensive report on the incident and the report must be made available.</p>	<p>NMBM have a dual obligation in terms of this section.</p> <p><i>In the event of an emergency incident which was potentially detrimental to the environment, caused by one of NMBM's employees, they have the responsibility to:</i></p> <ul style="list-style-type: none"> • Report the incident to the relevant authorities (the provincial environmental authority); • Contain and minimise the effects of the incident and clean up; • Remediate any damage that may have occurred; • Take measures to prevent the recurrence of the incident <p>In the event that an incident occurs, NMBM are obliged to direct the responsible part to remedy the effects. Should this not occur they may clean up themselves and recover the costs.</p>
<p>Proc R63 in GG 27142 of 2004-12-24</p> <p>GN R494/2006, GN R619/2005</p>	<p>Section 31B and Section 31C: Environmental management inspectors</p> <p>The Minister on MEC may designate as an environmental management inspector any staff member of the Department or any other organ of state including NMBM employees (with the agreement of the Municipality) and the Minister may at any time withdraw a designation made in terms of the above. Environmental management inspectors are designated in terms of a particular Act or combination of Acts. This section details the functions and powers of inspectors</p> <p>The regulations also relate to the identification of environmental management inspectors and their qualification criteria and training. Also deals with forms which are going to be used by environmental management inspectors</p> <p>Section 31G: deals with the functions of inspectors</p>	<p>NMBM personnel may be designated as environmental management inspectors by either the Minister of Environmental Affairs or the MEC. Officials will be responsible for enforcing:</p> <ul style="list-style-type: none"> - NEMA - NEM: Biodiversity Act - NEM: Protected Areas Act - Or all of the above <p>Environmental inspectors will be required to provide proof of designation on demand</p>
	<p>Sections 32,33,34: Compliance and Enforcement</p> <p>The legal standing of persons is provided for as well as private prosecution. In terms of the provisions a private individual or group has the right to prosecute in respect of a breach of any duty in terms of environmental law (other than a public duty on an organ of state) and the breach is an offence.</p>	<p>NMBM could be prosecuted by a private individual in the event that they fail to adhere to provisions of law for the protection of the environment.</p> <p>NMBM may not be prosecuted in the event they fail to discharge a public duty imposed by any law regarding protection of the environment.</p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>CONTROL OF VEHICLES IN THE COASTAL ZONE (GNR 1399 21 DECEMBER 2001 AND AMENDED BY GN R1426 IN GG27066, 07-12-2004 AND GG 33711, 2010-11-05</p> <p>GUIDELINES ON THE IMPLEMENTATION OF REGULATIONS PERTAINING TO THE CONTROL OF VEHICLES IN THE COASTAL ZONE</p> <p><i>Provincial Department of Economic Development Affairs and Tourism (DEDEAT)</i></p>	<p>The Regulation have the following objectives;</p> <ul style="list-style-type: none"> ▪ Prohibit the use of vehicles in the coastal zone ▪ Identify vehicle uses in the coastal zone in certain circumstances, ▪ Authorize the use of vehicles in the coastal zone in certain circumstances and when prescribed requirements have been complied with ▪ Provides for specific measures to enforce the Regulations and ▪ Prescribes penalties for contraventions of the Regulations. <p>The guidelines explain how the Regulations will be implemented in respect of;</p> <ul style="list-style-type: none"> ▪ The permissible use of vehicles in the coastal zone ▪ The designation of recreational use areas ▪ Vehicle use in the coastal zone under permit ▪ Licenses for boat launching site areas ▪ Exemptions. 	<p>Includes mechanisms that allow managers and regulatory authorities to reach an informed decision on the suitability of material proposed for the disposal in the marine environment.</p> <p>NMBM are required to obtain licenses for all boat launch facilities within the coastal zone (i.e. into the sea or an estuary).</p> <p>“Coastal zone” means the area adjacent to the sea characterised by coastal land-forms, and includes beaches, dunes, estuaries, coastal lakes, coastal wetlands, land submerged by the waters of the sea, or of any estuary, coastal lake or coastal wetland, boat-launching sites, proclaimed harbours and recreational use areas.</p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>2010 EIA Regulations</p>	<p>The regulations make provision for initial assessments to be carried out when activities are below certain threshold values (a full EIA may still be required), and/or to identify certain geographical areas in which specified activities may be excluded from environmental authorisation (provided an Environmental Framework has been established for the area).</p>	<p>NMBM will be required to apply to DEDEAT for authorisation for an activity listed in these regulations. The Municipality is responsible for ensuring that environmental assessment practitioners are competent to assess the impacts associated with the relevant activity.</p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p data-bbox="261 322 472 353">GN R543/2010</p> <p data-bbox="261 936 518 1155">PROVINCIAL DEPARTMENT OF ECONOMIC DEVELOPMENT ENVIRONMENTAL AFFAIRS AND TOURISM (DEDEAT)</p>	<p data-bbox="537 322 986 389">Environmental Impact Assessment Regulations, 2010 – GN R543/2010</p> <p data-bbox="537 389 986 909">Deals with the interpretation of and purpose of the Regulations. Chapter 1, deals with the interpretation and purpose of the Regulations. Chapter 2, deals with the competent authority and the application process. Chapter 3, deals with the application and the general requirements for EAP's and persons compiling specialist reports. Chapter 4, deals with the environmental management programme. Chapter 5, deals with exemptions from provisions of these regulations. Chapter 6, deals with the public participation process and Chapter 7, deals with the appeals. Chapter 8, deals with general matters and Chapter deals with transitional arrangements.</p> <p data-bbox="537 945 963 1012">Listing Notice 1 of 2010 – GN R544/2010 For Basic Assessment applications</p> <p data-bbox="537 1012 986 1379">The purpose of the notice is to identify activities that would require environmental authorisation prior to commencement of the activity and to identify competent authorities in terms of sections 24(2) and 24D of the Act. The investigation, assessment and communication of potential impact of activities must follow the procedure as described in Regulations of the Environmental Impact Assessment Regulations, 2010, promulgated in terms of Section 24(5) of the Act</p> <p data-bbox="537 1415 963 1482">Listing Notice 2 of 2010 – GN R545/2010 For full EIA applications</p> <p data-bbox="537 1482 986 1850">The purpose of the notice is to identify activities that would require environmental authorisation prior to commencement of the activity and to identify competent authorities in terms of sections 24(2) and 24D of the Act. The investigation, assessment and communication of potential impact of activities must follow the procedure as described in Regulations of the Environmental Impact Assessment Regulations, 2010, promulgated in terms of Section 24(5) of the Act</p> <p data-bbox="537 1886 963 1917">Listing Notice 3 of 2010 – GN R546/2010</p> <p data-bbox="537 1917 986 2065">The purpose of the Notice is to list activities and identify competent authorities under sections 24(2), 24(5) and 24D of NEMA where environmental authorisation is required prior to commencement of an</p>	<p data-bbox="1005 389 1452 456">Municipality must be aware of its roles and responsibilities during the EIA process</p> <p data-bbox="1005 524 1452 712">NMBM will be required to apply to DEDEAT for authorisation for an activity listed in these regulations. The Municipality is responsible for ensuring that environmental assessment practitioners are competent to assess the impacts associated with the relevant activity.</p> <p data-bbox="1005 1106 1452 1227">The NMBM can establish an Environmental Framework for certain areas that will provide for a general authorisation of the activities listed.</p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
	activity in specific identified geographical areas only.	
Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
ENVIRONMENTAL CONSERVATION ACT 73 OF 1989 AS AMENDED BY (ECA 98 OF 1991, ECA 79 OF 1992, ECA SECOND AMENDMENT ACT 115 OF 1992, ECA 94 OF 1993, ECA SECOND AMENDMENT ACT 189 OF 1993, CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA 200 OF 1993, ECA ACT 52 OF 1994, NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, NATIONAL HERITAGE RESOURCES ACT 25 OF 1999, ENVIRONMENT CONSERVATION AMENDMENT ACT 50 OF 2003, NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003	<p>Objective of the Act originally was to provide for the effective protection and controlled utilisation of the environment.</p> <p>Certain sections have been repealed by the promulgation of NEMA 107 of 1998</p> <p>Certain sections of this Act are dealt with elsewhere as well.</p>	<p>Applicable to all Directorates</p>

**Permit
Requirements**

- NMBM is required to obtain authorisation from DEDEAT in terms of NEMA for listed activities (see EIA Regulations)

CHAPTER 2: LEGISLATION RELATED TO SOLID WASTE MANAGEMENT	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • National Environmental Management: Waste Act 59 of 2008 <ul style="list-style-type: none"> ○ National Domestic Waste Collection Standards - GN 33935, 2011-01-21 ○ National Waste Information Regulations, 2012 GN R635/2012, 2012-08-13 ○ National Policy on Thermal Treatment of general and hazardous waste – GN 32439, 2009-07-24 ○ Amendment: List of Waste Management activities that have or are likely to have a detrimental effect on the environment – GN 33880, 2010-12-14 ○ List of Waste Management activities that have or are likely to have a detrimental effect on the environment – GG 35718, GN 719, 2012-09-28 ○ Draft National norms and standards for the storage of waste – GN 34418, 2011-07-01 ○ Draft standards for assessment of waste for landfill disposal – GN 34415, 2011-07-01 ○ Approval of an Integrated Industry waste Tyre Management Plan of the Recycling and Economic Development Initiative of South Africa in GG 35927, GN 988, 2012-11-30 ○ Withdrawal of approval of the Integrated Industry waste Tyre Management Plan of the Recycling and Economic Development Initiative of South Africa in GG 35926, GN 987, 2012-11-30 ○ Waste classification and management Regulations in GG35572, GN 614, 2012-08-10 ○ Standard for disposal of waste to landfill in GG35572, GN 615, 2012-08-10 ○ National Waste Management Strategy in GG 35306, GN 344, 2012-05-04 ○ Fee structure for consideration and processing of applications for waste management licenses in GG 35337, GN 398, 2012-05-18 ○ Change of licensing authorities in GG 34019, GN 77, 2012-02-18 ○ Draft national standards for validation for the treatment efficacy and operation of a non-combustion technology for the treatment of health care risk waste, GN 453, GG 35406 ○ Draft standard assessment of waste for landfill disposal in GN 613, GG 35572 ○ Draft Waste classification and Management Regulations in GN 614, GG 35572 ○ Draft standard for disposal of waste to landfill in GN 615, GG 35572 <p>Out for public comments:</p> <ul style="list-style-type: none"> ○ Draft national norms and standards for the remediation of contaminated land and soil quality ○ Regulations for site assessments and reports: for public comments, in GG 35161, GN 234, 2011-05-04 ○ Draft Health Care Risk Waste Management Regulations, 	<p>Public Health (Waste Management) and other Directorates</p>

GN 452, GG 35405	
<ul style="list-style-type: none"> • DWAF Minimum Requirements: Waste Management Series <ul style="list-style-type: none"> ○ Volume 1: Minimum Requirements for the Handling, Classification and Deposal of Hazardous Waste, Second Edition, 1998 ○ Volume 2: Minimum Requirement for Waste Disposal by Landfill, Second Edition, 1998 ○ Volume 3: Minimum Requirements for Waste Monitoring at Waste Management Facilities, Second Edition, 1998 <p>The above requirements are still applicable pending the finalization of new requirements</p>	
<ul style="list-style-type: none"> • Waste by-law 	
<ul style="list-style-type: none"> • The South African Roads Agency Limited and National Roads Act 7 of 1998 <ul style="list-style-type: none"> ○ Draft First Amendment to the South African National Roads Limited and National Roads Regulations (exemptions from payment on tolls) 2012, GN 338, GG 35148 (not applicable yet in NMBM) 	All Directorates
<ul style="list-style-type: none"> • White Paper on Integrated Pollution and Waste Management for South Africa 	All

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008</p> <p><i>Department of Environmental Affairs and Tourism (DEA)</i></p>	<p>The overall objective of the Waste Act is to:</p> <ul style="list-style-type: none"> • To reform the law regulating waste management in order to; • To protect health and the environment; • To prevent and ecological degradation and for securing ecologically sustainable development; • To provide for institutional arrangements and planning matters; • To provide for national norms and standards for regulating the management of waste by all spheres of government; • To provide for specific waste management measures; • To provide for the licensing and control of waste management activities; • To provide for the remediation of contaminated land; • To provide for the national waste information system; • To provide for the compliance and enforcement; and • To provide for matters connected hereto. <p>Part 2: National norms and standards, provincial norms and standards and waste services standards</p> <p>Section 9(2) Waste services standards</p> <p>Each municipality must exercise its executive authority and perform its duty in relation to waste services, including waste collection, storage and disposal services by:</p> <ul style="list-style-type: none"> • Adhering to all national and provincial norms and standards; • Integrating its waste management plans with its integrated development plans; • Ensuring access for all to such services; • Providing such services at an affordable prices, in line with its tariff policy referred to in Chapter 8 of the Municipal Systems Act • Ensuring sustainable services through effective and efficient management; • Keep a separate financial statement, including a balance sheet of the services provided 	<p><i>The NMBM is responsible for the development and implementation of the Integrated Waste Management Plan. The Municipality must also report on the implementation of the integrated waste management plan by way of submission of annual reports.</i></p> <p><i>NMBM are obliged to clear up any litter or dumped refuse from places the public has access to, including roads and pavements</i></p> <p><i>The Municipality must exercise its executive authority to deliver waste management services, including waste removal, waste storage and waste disposal services in a manner that does conflict with Sections 7 and 8 of this Act.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>Section 9(3) In exercising its executive authority contemplated in Subsection (1), a municipality may furthermore, amongst other things, set:</p> <p>Local standards for the separation, compacting and storage of solid waste that is collected as part of the municipal</p> <ul style="list-style-type: none"> • service or that is disposed of at a municipal waste disposal facility; • Local standards for the management of solid waste that is disposed of by the municipality or at a waste disposal facility owned by the municipality. Including requirements in respect of the avoidance and the minimization of the generation of waste and the re-use, recycling and recovery of solid waste; • Local standards in respect of the directing of solid waste that is collected as part of the municipal service or that is disposed of by the municipality or at a municipal waste disposal facility to specific waste treatment and disposal facilities and; • Local standards in respect of the control of litter. <p>Section 9(4) Whenever the Minister or MEC acts in terms of this Act in relation to a municipality, the Minister or MEC must seek to support and strengthen the municipality's ability or right to perform its functions in relation to waste management activities.</p> <p>Section 9 (5)(a) Whenever a municipality intends passing a by-law so as to give effect to Subsection (1), it must follow a consultative process provided for in Chapter 4 of the Municipal Systems Act.</p> <p>Certain organs of state to prepare integrated waste management plans</p> <p>Section 11(4)(a) Each municipality must:</p> <ul style="list-style-type: none"> • Submit its integrated waste management plan to the MEC for approval; and • Include the approved integrated waste management plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems 	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>Act.</p> <p>Section 11(4)(b) The MEC may within 30 days of receiving an integrated waste management plan or an amendment to an integrated waste management plan;</p> <ul style="list-style-type: none"> • Request the municipality to adjust the plan or the amendment in accordance with the MEC's proposal if the plan or amendment; <ul style="list-style-type: none"> ○ Does not comply with a requirement of this Act or; ○ Is in conflict with, or is not aligned with, or negates any relevant integrated waste management plan or the national waste management strategy; or • Request a municipality to comply with a specific provision of this Act relating to the process of drafting or amending integrated waste management plans if the municipality has failed to comply with the process or provision or; • Approve the plan or amendment <p>Section 11(6) When exercising the power to monitor and support a municipality as contemplated in Section 31 of the Municipal Systems Act, the MEC for local government in consultation with the MEC must ensure that the municipal integrated waste management plan is co-ordinated and aligned with the plans, strategies and programmes of the Departments and provincial departments.</p> <p>Section 11(7)(b) A municipality must. Before finalizing its integrated waste management plan, follow the consultative process contemplated in section 29 of the Municipal Systems Act, either as a separate process or as part of the consultative process relating to its integrated development plan contemplated in that section.</p> <p>Section 12(a) Gives the contents of the integrated waste management plan in terms of the description and population of the study area; the assessment and quantities of waste types generated in that area; a description of the services provided and the number of</p>	<p><i>Obligation of the Municipality in terms of the Act include but are not limited to:</i></p> <ul style="list-style-type: none"> - <i>The identification and dressing of negative impacts of poor waste management practices on health and the environment</i> - <i>Provision for the implementation of waste minimisation, re-use, recycling targets and initiatives</i>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>persons in that area who are not receiving waste collection services.</p> <p>Section 13(3) Deals with the reporting of the integrated waste management plan. The annual performance report prepared in terms section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan, including the information set out in paragraphs (a) to (j) of subsection (2) insofar as it relates the performance of the municipality.</p> <p>Section 16 Deals with the general duty in respect of waste management. The Minister or MEC may issues regulations to provide guidance on how to discharge this duty or identify specific requirements that must be given effect to after following a consultative process in accordance with section 72 and 73.</p> <p>Section 17 Deals with waste reduction, re-use, recycling and recovery</p> <p>Section 19 Deals with the listing of waste management activities.</p> <p>Section 20 No person may commence, undertake or conduct a waste management activity, except in accordance with:</p> <ul style="list-style-type: none"> • The requirements or standards determined in terms of section 19(3) for that activity; or • a waste management license issues in respect of that activity, if a license is required. <p>Section 22 and Section 23 Waste collection services Deals with the storage of general waste and the conditions that waste collection services are subject to.</p> <p>Section 43 – 57 Deals with waste management licences and the procedures for such applications</p>	<p><i>List included in Schedule 1 of the Act (See amendments to the list in the Regulations below)</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>National Domestic Waste Collection Standards – GN 33935, 2011-01-21</p> <p>National Waste Information Regulations – GN R635/2012 in GG 35583</p> <p>National policy on Thermal Treatment of general and hazardous waste – GN 32439, 2009-07-24</p> <p>List of Waste Management</p>	<p>Sections 60 -64 Deals with the establishment of a Waste Information System</p> <p>Schedule 1 (Section 19) Identifies waste management activities in respect of which a waste management license is required</p> <p>Schedule 1 (Section 19) – Category A Identifies activities requiring a Basic Assessment as per Section 24(5) of NEMA 107 of 1998</p> <p>Schedule 1 (Section 19) – Category B Identifies activities requiring an Environmental Impact Assessment as per Section 24(5) of NEMA 107 of 1998</p> <p>The National Waste Collection Standards are required to give effect to the “right to an environment that is not harmful to health and well being”. It is recognised that South Africa is a developing country and the purpose of the setting of standards is to ensure a service to all while complying with health and safety regulations without unnecessarily changing current creative collection processes as long as they function well and deliver a service of acceptable standards to all households.</p> <p>To regulate the collection of data and information to fulfil the objectives of the national waste information systems as set out in Section 61 of the Act.</p> <p>Presents governments position on thermal waste treatment as an acceptable waste management option and provides a framework within which the thermal waste treatment technologies such as incineration and co-processing can be implemented in the country.</p> <p>This presents a list of waste management activities in respect of which a waste</p>	<p><i>NMBM is obligated to adhere to these standards</i></p> <p><i>NMBM is obligated to adhere to these standards especially when conducting an activity listed in Annexure 1 of the regulations</i></p> <p><i>.NMBM will be required to apply to DEDEAT for authorisation for an activity listed in these regulations. The Municipality is responsible for ensuring that environmental assessment practitioners are competent to assess the impacts associated with the relevant activity</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>activities that have or are likely to have a detrimental effect on the environment – GN 35718, GN 719, 2012-09-28</p> <p>Draft National norms and standards for the storage of waste – GN 34418, 2011-07-01</p> <p>Draft standards for assessment of waste for landfill disposal – GN 34415, 2011-07-01</p> <p>Draft Integrated industry waste tyre management plan for the recycling and economic development initiative of South Africa (REDISA)</p> <p>Waste classification and Management Regulations – GG 35572, GN 617, 2012-08-10</p>	<p>management license is required in accordance with Section 20(b) of NEMA: Waste Act 59 of 2009.</p> <p>To provide a uniform approach relating to the management of waste storage facilities. To ensure best practice in the management of waste storage and provide minimum standards for the designing and operation of new and existing waste storage facilities.</p> <p>Prescribes the requirements for the assessment of the level of risk associated with the disposal of waste to landfill in terms of Regulation 8(1)(a) of the Regulations.</p> <p>The objective of the SATRP Company is to operate on behalf of its subscribers and will administer the sustainable collection of the annual arising of waste tyres in South Africa and to make them available to waste tyre processors authorised in terms of relevant South African legislation.</p> <p>To regulate and manage waste in a manner which supports and implements the provisions of the Act. To establish mechanisms and procedures for the listing of waste management activities that do not require a waste management licence. To prescribe requirements for the assessments of the environmental risk associated with disposal of waste to landfill and to also prescribe requirements and timeframes for the management of waste and general duties of waste generators, transporters and managers.</p>	<p><i>NMBM is obligated to adhere to the norms and standards as required by the Regulations</i></p> <p><i>NMBM is obligated to adhere to the norms and standards as required by the Regulations</i></p> <p><i>NMBM is obligated to adhere to the norms and standards as required by the Regulations</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p data-bbox="261 331 518 521">National Standards for disposal of waste to landfill – GN 34414, 2011-07-01</p> <p data-bbox="261 600 518 757">National Waste Management Strategy in GG 35306, GN 344, 2012-05-04</p>	<p data-bbox="537 331 986 421">Prescribes the requirements for the disposal of waste to landfill as contemplated in Regulation 8(1)(b) and (c) of the Regulations</p> <p data-bbox="537 589 986 925">It is a legislative requirement in terms of the NEMA: Waste Act. The purpose is to achieve the objectives of the Waste Act. The NWMS seeks to address many challenges faced by Waste Management in South Africa such as a: growing population, increased complexity of waste streams, historical backlog of waste services for urban informal areas, tribal and formal areas and limited understanding of the main waste flows and national waste balance.</p>	

Permit Requirements

- All NMBM waste sites (general waste) must obtain a waste management license from DEDEA
- All NMBM hazardous waste sites must obtain a waste management license from national DEA
- DEDEA is the authority in terms of reporting non compliances

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>MINIMUM REQUIREMENTS: WASTE MANAGEMENT SERIES (VOLUMES: I, II AND III)</p> <p>Department of Water Affairs (DWA)</p> <p>NMBM waste-by law (currently being finalised)</p> <p>NMBM</p>	<p>The aim of the requirements is to facilitate the enforcement of the landfill permitting system provided for in terms of Section 20(1) of the Environment Conservation Act 73 of 1989.</p> <p>The Waste Management Series consists of the following:</p> <ul style="list-style-type: none"> • Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste; • Minimum Requirements for Waste Disposal by Landfill; • Minimum Requirements for Monitoring at Waste Management Facilities. <p>The objectives of the Minimum Requirements are to:</p> <ul style="list-style-type: none"> • To take pro-active steps to prevent the degradation of water quality and the environment and to improve the standard of waste disposal in South Africa • Graded requirements are applied to ensure practical and affordable environmental protection <p>A classification system for waste is provided, and waste is classified into two classes, General and Hazardous.</p> <p>The requirements for storage, pre-treatment and disposal of hazardous wastes are approximately set in accordance with the risks associated with various types of hazardous waste.</p> <p>Landfills are also classified according to the size of the waste stream, their potential to generate leachate and the nature of the waste they can accept. Specifications for types of landfills are provided as well as the required permitting process.</p> <p>The by-law outlines the duties of the municipality as the primary service provider to the local community as well as the conditions that the service provided is subject to, the waste by-law consists of the following;</p> <ul style="list-style-type: none"> • General waste management issues • Transportation of waste • Specific provisions relating to domestic, industrial, commercial and other types 	<p><i>NMBM are required to classify their waste and dispose of it to the appropriately licensed waste disposal site.</i></p> <p><i>Any hazardous waste that is stored on NMBM premises must be stored in the appropriate manner.</i></p> <p><i>All the waste disposal sites run by the NMBM must meet the Minimum Requirements.</i></p> <p><i>NMBM must follow the Minimum Requirements in establishing and permitting new waste disposal sites.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED SANRA</p> <p>NATIONAL ROADS ACT 7 OF 1998</p> <p>WHITE PAPER ON INTEGRATED POLLUTION AND WASTE MANAGEMENT FOR SOUTH AFRICA GG 20978 / 2000-03-17</p> <p>(DEA)</p>	<p>of waste</p> <ul style="list-style-type: none"> • Littering and dumping • Burning of waste • Licences and contracts • Compliance and enforcement <p>To make provision for a National Roads agency for the Republic to manage and control the national roads system and take charge of the development, maintenance and rehabilitation of national roads with the framework of government policy. The National Roads Agency is responsible for the financing, management, control, planning, development, maintenance and rehabilitation of South African national roads system. The main objective of the agency is to perform the functions specified in Section 25 of the Act.</p> <p>No person may leave a disused vehicle or machine or part of a vehicle or any other rubbish or refuse on a national road. In addition, no person may without the Agency's permission leave such rubbish or refuse on land adjoining a national road. The aim of this White Paper was to underscore the importance of preventing pollution and waste and avoids environmental degradation. This White Paper focuses on co-operative governance as envisaged in the Constitution. The current fragmentation, duplication and lack of co-ordination will be eliminated.</p>	<p><i>Applicable to all domestic waste collection services throughout the country. It is very important for municipalities to know these standards so that they can be able to follow proper procedure during waste collection.</i></p> <p><i>The by-law applies to all areas under the control of the NMBM and is limited to regulate the generation, storage and collection of solid, non-hazardous waste</i></p> <p><i>NMBM must ensure that no vehicle or rubbish is to be left on national roads or adjacent to national roads.</i></p>

CHAPTER 3: LEGISLATION RELATED TO WATER AND EFFLUENT MANAGEMENT	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • National Water Act 36 of 1998 as Amended by National Water Amendment Act 45 of 1999 <ul style="list-style-type: none"> ○ GN 398 of 2004-03-26: General Authorizations in terms of Section 39 of the National Water Act, 1998 ○ GN 399 of 2004-03-26: Revision of General Authorizations in terms of Section 39 of the National Water Act, 1998 ○ GN 181 in GG 28557 of 2006-02-24: Draft Regulations for the registration of waterworks and process controllers ○ GN 180 in GG28557 of 2006-02-24: Draft regulations regarding the registration of waterworks and process controllers in terms of section 116 of the Act ○ GN R1188 in GG 29413 of 2006-12-01: Draft regulations for the use of water for recreational purposes and in respect of a government waterworks and surrounding state-owned land (might not be applicable to NMBM) ○ R1353/99: Establishment of a pricing strategy for water use charges in terms of Section 56(1) of the National Water Act 1998 ○ GN 486/2008: Delegations of powers and duties in terms of the National Water Act 36 of 1998 ○ GN 313/2009: Extension of the time period for general authorizations published in terms of Section 39 of the National Water Act, 1998 (Act 36 of 1998) to 01 October 2010 ○ GN 314/2009: Extension of the time period for general authorizations published in terms of Section 39 of the National Water Act, 1998 (Act 36 of 1998) to 31 December 2009 ○ GN 519/2009: Notice to register water use in terms of the National Water Act 36 of 1998 ○ Requirements for the purification of waste water or effluent – GN 991/84 (National Water Act 36 of 1998) ○ Extension of time period for general authorization in terms of Section 39 of the Act, Correction: GG 35909, GN 970, 2012-11-30 ○ New proposed nine Water Management Areas of South Africa in GG 35517, GN 547 ○ Proposed allocation schedule in terms of Section 45(2) of the Act in GG 35582, GN 645 	Infrastructure and Engineering
<ul style="list-style-type: none"> • Water Act 54 of 1956 (Repealed) by Section 163 of the National Water Act 36 of 1998 	Infrastructure and Engineering
<ul style="list-style-type: none"> • Water Services Act 108 of 1997 <ul style="list-style-type: none"> ○ GN R509 of 2001-06-08: Regulations Relating to Compulsory National Standards and Measures to Conserve Water 	

<ul style="list-style-type: none">○ GN R980 of 2002-07-19: Regulations Relating to contracts and joint venture with water services providers○ GN R652 of 2001-07-20: Regulations Relating to norms and standards in respect of tariffs for water services○ GN R902 of 2000-09-15: Transfer or disposal of water services works○ Water Services Provider Contract Regulations – GN R980/2002	
<ul style="list-style-type: none">• Port Elizabeth Municipality Sewage Acceptance and Water Supply By-Laws (No 4672 of 23 November 1990)	Infrastructure and Engineering

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL WATER ACT 36 OF 1998 AS AMENDED BY NATIONAL WATER AMENDMENT ACT 45 OF 1999</p> <p>DWA</p>	<p>The purpose of the Waste Act is to: Meet the basic human needs of present and future generations. To ensure equitable access to and use of the scarce national resource of water, in a sustainable manner and to ensure the protection of the national water resource from pollution. To redress the results of past racial and gender discrimination. To promote the efficient, sustainable and beneficial use of water in the public interest. To facilitate social and economic development</p> <p>Section 19 Prevention and remedying the effects of pollution It is the responsibility of an owner of land, a person in control of land or a person who occupies or uses that land to take all reasonable measures to prevent pollution of a water resource from occurring, continuing or recurring. If these measures are not taken the authorities may do whatever is necessary to prevent the pollution or remedy its effects and may recover all reasonable costs.</p> <p>Section 20 Emergency incidents A responsible person must report an emergency incident and take measures to:</p> <ul style="list-style-type: none"> • Contain and minimise the effects of the incident; • Clean up; • Remediate any damage that may have occurred; • Take measures to prevent the recurrence of the incident <p>An emergency incident as an incident or accident in which a substance may pollute or has polluted or will have detrimental effect on a water resource.</p>	<p><i>NMBM have a responsibility to prevent the pollution of water resources through actions undertaken on their land or land they are in control of.</i></p> <p><i>NMBM must adhere to the conditions of this section in the event of an emergency incident which could pollute or did pollute a water resource</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>Section 21 and 22: Water Use and Permissible Use Water use is defined as a variety of activities including:</p> <ul style="list-style-type: none"> (a) taking water from a water resource; (b) storing water (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit (i) altering the bed, banks or course or characteristics of a water course <p>A person may only use water if a license has been granted or it is permissible in terms of a General Authorisation. Such use is subject to conditions and in the case of discharge of wastewater must comply with standards set by the Minister.</p>	<p>NMBM uses water in a variety of ways e.g.</p> <ul style="list-style-type: none"> • Taking water from a water resource for water supply to the municipality • Discharge of effluent from wastewater treatment works • Alteration of water courses during stormwater engineering <p><i>NMBM are required to obtain a water use license for all of their water uses. NMBM may further be required to conduct an EIA in terms of the EIA Regulations, in the event that activities will affect the bed, banks or characteristics of a water course (c.f. EIA Regulations).</i></p> <p>Procedures for license applications are stipulated in the Act</p>
<p>NATIONAL WATER CONT ACT</p>	<p>Section 37 Controlled activities Certain controlled activities may not be undertaken unless authorised by the relevant authority, this includes:</p> <ul style="list-style-type: none"> • The irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterworks (effluent). 	<p><i>NMBM are required to obtain authorisation to irrigate water from wastewater treatment works e.g. general irrigation or irrigation of sports fields etc</i></p>
	<p>Chapter 12 The Chapter contains measures aimed at improving the safety of new and existing dams with a safety risk so as to reduce the risk of a dam failure.</p> <p>Section 118 Safety of Dams Dams that store greater than 50 000m³ and have a wall >5m high are defined as 'dams with a safety risk' and must be registered. The Minister must be supplied with any required information about such dams.</p>	<p><i>NMBM must ensure that all dams and reservoirs which are defined as dams with a safety risk are registered by the relevant authority.</i></p>

Permit Requirements

- NMBM require water use licenses for the following activities (amongst others):
 - Taking of water from a water resource, including underground water;
 - Discharge of effluent from various wastewater treatment works;
 - Alteration of water courses during stormwater engineering;
 - Storing of water in dams and reservoirs (> 50 000m³);
- Irrigation of effluent from wastewater treatment works must be authorised.
- All dams with a safety risk must be registered.

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>WATER SERVICES ACT 108 OF 1997</p> <p><i>Department of Water Affairs (DWA)</i></p>	<p>The Act entrenches the right of access to basic water supply and basic sanitation to ensure sufficient water and an environment not harmful to human health or well-being.</p> <p>All water service authorities are required to have a plan to provide for measures to realise these rights.</p>	
<p>GN R509 OF 2001-06-08: PROMULGATED IN TERMS OF THE WATER SERVICES ACT 108 OF 1997</p> <p>WATER SERVICES BY-LAW IN PROCESS OF BEING PROMULGATED</p>	<p>Water Service Authorities Water service authorities have to ensure access to access to water services in a progressive and equitable manner.</p> <p>Permission is required from water service authorities in an area to use water for industrial use and to dispose of industrial effluent.</p>	<p>NMBM is a water services authority and a water services provider who is responsible for ensuring access to water services and supplies those services</p> <p><i>NMBM is obliged to ensure that water services are provided to the inhabitants of the NMBM.</i></p>
	<p>Regulations relating to compulsory National Standards and Measures to Conserve Water</p>	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>PORT ELIZABETH MUNICIPALITY: SEWAGE ACCEPTANCE AND WATER SUPPLY BY-LAWS: (NO. 4672 OF 23 NOVEMBER 1990)</p> <p>NMBM</p>	<p>The supply of water in former Port Elizabeth municipal area is regulated by the Water Supply By-law, which is generally read with the provisions of the Sewage Acceptance By-law, insofar as both regulate water supply, and the latter sets out terms and conditions concerning wastewater, treatment and discharge.</p> <p>In terms of the Sewage Acceptance By-law NMBM is obliged to purify or treat industrial effluent. In return, however, the acceptance of such effluent is subject to certain terms and conditions, including the levying of a tariff based on the quantities and qualities of effluent accepted for treatment.</p> <p>The discharge of any effluent into any sewer is subject to the written permission of the Municipality, and only then in strict compliance with the conditions of such permission. The Municipality must be notified of any change in the quantity or nature of effluent to be discharged.</p> <p>The discharge of effluent into the sewer in the absence of the required permission is an offence and may result in such charges as the Municipality may determine for the conveyance and treatment of the effluent, as well as any damage caused as a result of the unauthorised discharge. In addition, the Municipality may recover the costs incurred or damages suffered as a result of injury to any person, damage to the sewage works or prosecution of the Municipality in terms of the National Water Act, from anyone discharging a prohibited or restricted substance in contravention of the by-laws.</p> <p>It should be noted however that the Municipality is entitled to amend or revoke any permission given to discharge as a result of changes in the sewage treatment process, or the introduction of additional legislation or standards.</p>	<p><i>NMBM must ensure the provisions of the by-law are implemented.</i></p>

CHAPTER 4: LEGISLATION RELATED TO THE CONTROL OF AIR EMISSIONS	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Atmospheric Pollution Prevention Act 45 of 1965 <p>Take Note: The Act has been repealed by Section 60 of the National Environmental Management: Air Quality Act 39 of 2004. According to Section 60(3) "anything done or deemed to have been under a provision repealed by subsection (1) and which can be done in terms of the constitutional or statutory powers of a municipality, remains in force" in the area of a municipality until repealed by the municipality of that area. Therefore the notices and regulations have been retained.</p> <ul style="list-style-type: none"> ○ AN 1254 of 1971-09-08: Example of Smoke Control Regulations ○ GN R1651 of 1974-09-20: Regulations Concerning the Control of Noxious or Offensive Gases Emitted by Diesel-driven Vehicles ○ GN R561 of 1976-04-02: Regulations Concerning the Form of an application for A Registration certificate or Provisional Registration Certificate into the Atmospheric Pollution Prevention Act, 1965 ○ GN R928/74: Promulgation of smoke control regulations in terms of Section 18 of the Act ○ GN R754/74: Promulgation of smoke control regulations in terms of Section 18 of the Act ○ GN R751/74 First smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R1808/75 Second smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R1686/75 Third smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R994/77 Fourth smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R995/77 Fifth smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R996/77 Sixth smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ GN R544/79 Seventh and eighth smoke control zone order: Promulgation of smoke control regulations in terms of Section 20 of the Act ○ Notices under Sections: 27 and 36 (some might not be applicable to NMBM) ○ Regulations under Sections: 33,39 and 44 (some might not be applicable to NMBM) 	Public Health
<ul style="list-style-type: none"> • National Environmental Management: Air Quality Act 39 of 2004 	Public Health

- GN R898/2005: Commencement
- GN 528 in GG 28899 of 2006-06-09: proposed identification of substances in ambient air and establishment of national standards for the permissible amount or concentration of each substance in ambient air
- Gen N1138/2007: Notice to establish the National Framework in terms of Section 7(1) of the National Environmental Management: Air Quality Act 39 of 2004
- GN 619 in GG 31107 of 2008-06-06: Proposed regulations regarding the form of the atmospheric impact report
- GN 263 in GG 31987 of 2009-03-13: Revised national ambient standards: the identification of substances in ambient air and establishment of national standards for the permissible amount or concentration of each substance in ambient air
- Draft National Dust control Regulations – GN 34307, 2011-05-27
- Model Air Quality by-law – GN 32394, 2009-07-15
- National ambient Air Quality Standards – GN 32816, 2009-12-24
- Proposed National ambient Air Quality Standards for particulate matter of aerodynamic diameter less than 2.5 micron meters – GN 34493, 2011-08-05
- Proposed Regulations regarding the phasing out and management of ozone depleting substances in South Africa – GN 33925, 2011-01-14
- List of activities which results in atmospheric emissions which have or may have a significant detrimental effect on the environment including health, social conditions, economic conditions, ecological conditions or cultural heritage – GN 32434, 2009-07-24
- The identification of substances in ambient air and establishment of national standards for the permissible amount or concentrations of each substance in ambient air – GN 31987, 2009-03-13
- Draft Regulations prescribing the format of the Atmospheric Impact Report in GG 35883, GN 945, 2012-11-23
- List of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions and cultural heritage in GG 35894, GN 964, 2012-11-23
- Draft declaration of small boilers as controlled emitters in GG 35883, GN 946, 2012-11-23
- National dust control Regulations in GG 35931, GN 1007, 2012-12-07
- National ambient air quality standards for particulate matter with aerodynamic diameter less than 2.5 micron meters (PM 2.5), GN 486, GG 35463
- Declaration of the Waterberg National Priority Area GN 495, GG 35345

<ul style="list-style-type: none">• R1816 (26 August 1983) and R1808 (17 August 1984) Regulations Regarding Diesel Vehicles	Public Health, Safety and Security
<ul style="list-style-type: none">• Port Elizabeth Municipality: Smoke Control Regulations (P.N. 476 of 19 July 1968)	Public Health

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
ATMOSPHERIC POLLUTION PREVENTION ACT NO. 45 OF 1965	<p>The Act has been repealed by Section 60 of the National Environmental Management: Air Quality Act 39 of 2004. According to Section 60(3) "anything done or deemed to have been under a provision repealed by subsection (1) and which can be done in terms of the constitutional or statutory powers of a municipality, remains in force" in the area of a municipality until repealed by the municipality of that area. Therefore the notices and regulations have been retained.</p>	
	<p>Section 18: Smoke Control Regulations</p> <p>The Act allows local authorities to make smoke control regulations, which gives the local authority the power to:</p> <ol style="list-style-type: none"> declare an area or any part of that area to be a smoke control zone; prohibit the emission of dark smoke from any premises in that zone. <p>Smoke Control Regulations have been gazetted (dated 19 July 1968) for the Port Elizabeth Municipality. See relevant section below.</p>	<p><i>NMBM must ensure that the provisions of the Smoke Control Regulations are implemented</i></p> <p><i>NMBM must ensure that their own activities comply with the provisions of the smoke control regulations</i></p>
	<p>Part IV Dust Control</p> <p>Port Elizabeth has been declared a dust control area in terms of the Act.</p> <p>A person is required to take all reasonable measures to prevent dust from dispersing or becoming a nuisance.</p>	<p><i>NMBM must ensure that their operations do not give rise to excessive dust</i></p>
	<p>Part V Vehicle Emissions</p> <p>Enables control over vehicles emitting noxious or offensive gases. Inspections are to be carried out by local authorities who have the power to stop vehicles for inspections and issue notices.</p> <p>Regulations have been promulgated in terms of the Act</p>	<p><i>NMBM must implement the provisions of this section and ensure control over vehicles emitting noxious or offensive gases.</i></p>

Permit Requirements

- NMBM require an atmospheric emission license for any listed activity that they may operate

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004</p> <p><i>Department of Environmental Affairs (DEA)</i></p> <p>PROVINCIAL AIR QUALITY OFFICER</p>	<p>The Act provides for measures for:</p> <ul style="list-style-type: none"> • The prevention of air pollution and ecological degradation and for securing ecologically sustainable development while promoting justifiable economic and social development; • National norms and standards regulating air quality monitoring, management and control by all spheres of government; • Specific air quality measures. 	<p>The Act excludes certain sections of the Air Pollution Prevention Act and places new responsibilities on Local Government for air quality management (as indicated below).</p>
	<p>Section 7 (1): Establishment of national framework</p> <p>A national framework must be established by the Minister within two years of this section taking effect. This framework must include:</p> <ul style="list-style-type: none"> • Mechanisms, systems and procedures to attain compliance with ambient air quality standards and to give effect to international obligations; • National norms and standards for the control of emissions from point and non-point sources; and • National norms and standards for air quality monitoring, management planning, and information management. <p>All spheres of government will be bound by the national framework.</p>	<p>The NMBM is required to comply with the National Framework once this comes into</p>
	<p>Section 8: National monitoring and information management standards</p> <p>The national framework must establish national standards for municipalities to monitor ambient air quality and point, non-point and mobile source emissions.</p>	<p>The NMBM will be required to comply, as a minimum, with the national standards.</p>
	<p>Section 11. (2) Local Standards</p> <p>Makes provision for Municipalities to identify substances that present a risk to health, well being or the environment, and establish local emissions standards for these substances.</p> <p>If a national or provincial standard has been established then the Municipality may not alter any such standard except by establishing a stricter standard.</p> <p>A consultative process must be followed before passing a by-law.</p>	<p>The NMBM will be able publish a by-law regulating the emission of certain substances identified as a risk to health, well being or the environment.</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004 (CONT)	Section 14. Appointment of Air Quality Officers Each municipality must designate an air quality officer from its administration to be responsible for co-ordinating matters pertaining to air quality management in the municipality.	The NMBM will be required to designate an Air Quality Officer to exercise the powers assigned or delegated to the officer in terms of this Act.
	Section 15. (2): Air quality management plans Each Municipality must include in its integrated development plan an air quality management plan.	The NMBM will be required to include an air quality management plan into the IDP.
	Section 16. (1): Contents of an air quality management plan Specifies the contents of the air quality management plan.	The NMBM's air quality management plan (when developed) must comply with these requirements.
	Section 17. : Reporting on Implementation of air quality management plans Annual reports in terms of section 16 (1)(b) of the National Environmental Management Act must contain information on the implementation of the air quality management plan.	The NMBM may be required to report annually on the implementation of the air quality implementation plan.
	Section 30. : Atmospheric impact reports Air quality officers may require persons to submit an atmospheric air quality report when it is suspected that the person has on one or more occasions contravened or failed to comply with the Act, or when reviewing and/or issuing an emission license.	The NMBM may be required to compile Atmospheric Impacts Reports if certain activities impact negatively on air quality (such as at a wastewater treatment works). The NMBM will have to request (and evaluate) Atmospheric Impact Reports when issuing Emission Licenses within the Municipal area.
	Chapter 5: Licensing of a listed activity This chapter describes the licensing process including the following: <ul style="list-style-type: none"> • Metropolitan municipalities are charged with implementing the atmospheric emission licensing system. • If a municipality applies for a license, then the provincial authority must be regarded as the licensing authority. • The procedure for license applications • Procedures for evaluating and issuing provisional and final licenses • Renewal of atmospheric emission licenses. 	The NMBM must perform the functions of the licensing authority as set out in this Chapter. The function can be delegated to provincial government. Should the NMBM be required to obtain an atmospheric emission license, it will have to apply to Province for the said license. Time limits requiring the licensing authority to make decisions and notify the applicant are specified in the Bill (Section 40 (3) & (4))
Section 40 (3): Decisions of licensing authority The licensing authority must decide the	Describes the licensing process	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / <i>Required Actions</i>
	application within 60 days of the date on which the notice has been issued.	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL DUST CONTROL REGULATIONS GG 35931, 2012-12-07</p> <p>REGULATIONS REGARDING DIESEL VEHICLES (R.1816 26 AUGUST 1983 AND R1808 17 AUGUST 1984).</p> <p><i>Section 39 of the Atmospheric Pollution Prevention Act 45 of 1965</i></p> <p>(DEA)</p> <p>NMBM</p>	<p>The purpose of the Regulations is to prescribe measures for the control of dust (settleable particulate matter) in all areas</p> <p>Diesel driven vehicles may not be used if the noxious or offensive gases emitted are greater than a certain meter reading.</p> <p>The local authority is required to implement the regulations</p>	<p><i>NMBM are required to implement the regulations.</i></p> <p><i>NMBM own diesel vehicles may not exceed the specified standard</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>PORT ELIZABETH MUNICIPALITY: SMOKE CONTROL REGULATIONS (P.N. 476 OF 19 JULY 1968)</p> <p><i>(gazetted in terms of the Atmospheric Pollution Prevention Act)</i></p> <p>Draft air pollution control by-law</p>	<p>Regulation 2a Any smoke emitted from premises shall not appear to be a shade equal to or darker than shade 2 (on the chart indicated in the Air Pollution Prevention Act No. 45 of 1965) or which, when measured with a light absorption meter has an absorption of 40% or greater.</p> <p>Regulation 4 and 9 No person may install a fuel burning appliance (e.g. boiler) unless approved by the municipality. Any chimney for a liquid fuel burning appliance must be constructed to prevent the emission of particles carrying condensed sulphuric acid.</p> <p>Regulation 8 The burning of any waste material on any premises except in an approved fuel burning appliance is prohibited.</p> <p>Non-compliance with the Port Elizabeth Smoke Control Regulation entitles the local authority to revoke the approval for the use of the fuel burning appliance and order that the operation or use of the appliance be suspended or discontinued. It may also require the removal of the appliance from premises within a specified period at the expense of the owner or occupier of the premises. The Regulations also provide for a fine of R500 or imprisonment for 6 months for a first offence and, for subsequent convictions, for a fine of R2000 or imprisonment for twelve months in default of payment.</p> <p>Objectives</p> <ul style="list-style-type: none"> • To give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa 1996 by controlling air pollution within the area of the municipality's jurisdiction • To ensure that air pollution is avoided where it cannot be altogether avoided, is minimized and remedied. 	<p><i>NMBM are required to implement the provisions of the regulations.</i></p> <p><i>NMBM must ensure that any fuel burning appliance they operate meet the requirements of the regulations and are approved.</i></p>

Permit Requirements

- NMBM are required to ensure that all their fuel burning appliances are approved

CHAPTER 5: LEGISLATION RELATED TO THE CONTROL OF HAZARDOUS SUBSTANCES AND INSTALLATIONS	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Hazardous Substances Act 15 of 1973 <ul style="list-style-type: none"> ○ GN R452 of 1977-03-25: Group I Hazardous Substances ○ R1951/95: Regulations relating to the aerial application of agricultural remedies ○ R1488/97: Regulations relating to the control over fluoroacetic acid (mono), its salts and derivatives ○ R1486/97: Regulations relating to the sale of cyanide poison-firing apparatus ○ GN R453 of 1977-03-25: Regulations under the Hazardous Substances Act – Group I Hazardous Substances ○ GN R1487 of 1997-11-14: Group I Hazardous Substances: Exemption ○ GN R1489 of 1997-11-14: Group I Hazardous Substances: Exemption ○ GN R1382 of 1994-08-12: Declaration of Group ii Hazardous Substances ○ GN R690 of 1989-04-14: Regulations Relating to Group iii Hazardous Substances ○ GN R1302 of 1991-06-14: Group III Hazardous Substances ○ GN R246 of 1993-02-26: Group IV Hazardous Substances: Exclusions and Exemptions ○ GN R247 of 1993-02-26: Regulations Relating to Group IV Hazardous Substances ○ GN R1951 of 1995-12-22: Regulations Regarding the Aerial Application of Agricultural Remedies ○ GN R1705/1995: Regulations regarding the declaration of carbon tetrachloride as a group I category hazardous substance ○ GN R73/85 – Repealed by GN R1035/2001: Regulations governing the conveyance of hazardous substances by road tanker ○ Enforcement by local authorities: R330/91, R1701/92, R127/93, R1392/93, R1825/93, R547/94, R1441/94, R566/97 ○ GN 30891, 2008-03-28: Declaration of leaded paint and similar surface coating materials containing lead or compounds as group I hazardous substances ○ GN 32455, 2009-07-03: Declaration of leaded paint as group I hazardous substance 	Safety and Security
<ul style="list-style-type: none"> • Regulations for Hazardous Chemical Substances R1179 of 25 August 1995, promulgated in terms of the Occupational Health and Safety Act 85 of 1993. 	Safety and Security, All
<ul style="list-style-type: none"> • Major Hazard Installation Regulations R692 of 30 July 2001 	Safety and Security
<ul style="list-style-type: none"> • Port Elizabeth Municipality: Standard By-Law Relating to Fire Brigade Services (PN 396 of 11 June 1982) Repealed 	Safety and Security Directorate

<ul style="list-style-type: none"> • Fire Brigade Services by-law (PN 1083 of 30 November 2007) 	
<ul style="list-style-type: none"> • National Road Traffic Act 93 of 1996 <ul style="list-style-type: none"> ○ National Road Traffic Regulations – Chapter VIII – Transportation of Dangerous Goods and Substances by Road ○ GN R225 of 2000-03-17: Transportation of Dangerous Goods and Substances by Road ○ GN R1249/2001: Incorporation of standard specifications into the National Road traffic regulations ○ GN R560/2004: Amount payable by a driving licence testing centre in terms of regulations 108 (1A) and 119 (1A) of the national road traffic regulations ○ GN R93/2006: Minimum requirements for registration and retention of grading for driving licence testing centers ○ GN R94/2006: K53 Practical driving test for motor vehicle drivers, volume 1 – light motor vehicles ○ GN R 95/2006: K53 Practical driving test for motor vehicle drivers, volume 2 – heavy motor vehicles ○ GN R96/2006: K53 Practical driving test for motor vehicle drivers, volume 3- motorcycles ○ GN R97/2006: K53 practical driving test for motor vehicle drivers, volume 4- light motor vehicle combinations ○ GN R809/2006: determination of date in terms of regulation 280 of the National Road Traffic Regulations, 2000 ○ GN R154/2008: Incorporation of standard specifications into the National Road Traffic Regulations ○ GN R155/2008: Determination of the date referred to in 117(e) of the National Road Traffic Regulations ○ GN 34065, 2011-02-01: Amendment of Road Traffic Regulations, GG 35413 ○ Draft amendment to the National Traffic Regulations GN 458, GG 35413 	<p>Safety and Security</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>HAZARDOUS SUBSTANCES ACT 15 OF 1973</p> <p><i>Department of Health</i></p>	<p>The Act regulates substances that may cause injury or ill health to or death of human beings by reason of their toxic, corrosive, irritant, strongly sensitising or flammable nature, or the generation of pressure.</p> <p>The Act divides such substances or products into groups in relation to the degree of danger; and provides for the prohibition and control of the importation, manufacture, sale, use, operation, application, modification, disposal or dumping of such substances and products in certain circumstances.</p> <p>Group II hazardous substances have been identified as all substances and goods in SABS Code of Practice 0228: <i>The identification and classification of dangerous substances and goods</i>. Class 1: Explosives and Class 7 Radioactive substances are excluded.</p>	<p><i>NMBM must determine which substances are declared hazardous substances and take due care in terms of hazardous substances regulations promulgated in terms of the Occupational Health and Safety Act.</i></p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ROAD TRAFFIC ACT 93 OF 1996</p> <p><i>Department of Transport</i></p>	<p>Dangerous goods may only be transported in approved vehicles in the prescribed manner.</p> <p>The relevant SABS codes have been adopted and prescriptions include the labelling of vehicles and required reporting to the local authority on intended transportation routes.</p>	<p><i>NMBM must ensure that all vehicles transporting hazardous substances are correctly labelled and have been approved for transportation.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>REGULATIONS FOR HAZARDOUS CHEMICAL SUBSTANCES (R. 1179 25 AUGUST 1995)</p> <p><i>Published in terms of the Occupational Health and Safety Act No. 85 of 1993 (OHS)</i></p> <p><i>Department of Labour</i></p>	<p>The regulations make provision for the control of exposure of employees to substances hazardous to health and the correct labelling, packaging, transportation and storage of hazardous chemical substances.</p> <p>Hazardous chemical substances are defined in terms of these regulations to mean any toxic, harmful, corrosive or irritant substance, or a mixture of such substances for which:</p> <ul style="list-style-type: none"> • An occupational exposure limit is prescribed, or; • An occupational exposure limit is not prescribed but which creates a hazard to health. <p>In addition, monitoring of employees and their work environment is required.</p>	<p><i>NMBM are required to ensure that monitoring is undertaken to ensure the health and safety of employees working in areas where hazardous substance are present.</i></p> <p><i>All hazardous substances must be labelled, handled and stored accordingly. NMBM must have written protocols on the handling of hazardous substances.</i></p>
	<p>Section 15 Disposal</p> <p>As regards disposal of hazardous chemical substances, the employer is required to ensure that:</p> <ul style="list-style-type: none"> • Such substances are recycled if possible; • They are placed into containers that prevent the likelihood of exposure during handling; • That all vehicles, re-usable containers and covers which have been in contact with the waste are cleaned and decontaminated after use; • That all hazardous chemical waste which can cause exposure is disposed of only on a site specially designated for this purpose in terms of the Environment Conservation Act in such a manner that it does not cause a hazard inside or outside the site concerned; • That all employees occupied in the collection, transport and disposal of hazardous waste who may be exposed to the waste are provided with suitable personal protective equipment. 	<p>In order to comply with the Hazardous Substances Regulations, NMBM needs to address the handling, transport and disposal of hazardous chemical substances and wastes.</p> <p><i>NMBM must ensure that waste contractors contracts include provisions specifying compliance with the regulations.</i></p> <p><i>All hazardous containers must be correctly washed and decontaminated.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>MAJOR HAZARD INSTALLATION (MHI) REGULATIONS (R. 692 30 JULY 2003)</p> <p><i>Published in terms of the Occupational Health and Safety Act No. 85 of 1993.</i></p> <p><i>Department of Labour</i></p> <p>NMBM</p>	<p>The regulations apply to every major hazard installation in South Africa. A MHI is defined as an "installation where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident." A major incident is defined as "an occurrence of catastrophic proportions, resulting from the use of plant and machinery, or from activities at a workplace."</p>	<p>NMBM have dual obligations in terms of the MHI regulations.</p>
	<p>Section 3 Notification</p> <p>All employers are required to notify the chief inspector, provincial director and local government in writing of intent to erect or extend an MHI or convert a facility into an MHI and to submit certain required information. In addition, the notice has to be advertised in the local community and interested and affected parties have the opportunity to make representations to the relevant authorities within 60 days, if the installation is not acceptable.</p>	<p><i>NMBM are required to receive notifications from employers regarding MHI's</i></p> <p><i>NMBM are required to notify the chief inspector and provincial director of any MHI's they may own or operate.</i></p>
	<p>Section 5, 6 and 7 Risk Assessments, emergency plans and reporting of incidents</p> <p>A risk assessment must be carried out every 5 years and an onsite emergency plan prepared in discussed with the local authority.</p> <p>The risk assessment and emergency plans must be provided to the relevant authorities and be made available for interested and affected parties.</p> <p>Incidents and near misses must be reported within 48 hours to the chief inspector, provincial director and local authority. The incident or near miss must be investigated and reported.</p>	<p><i>NMBM are required to undertake risk assessments and prepare on site emergency plans for all their MHI's.</i></p> <p><i>NMBM must provide input on on-site emergency plans of other employers.</i></p>
	<p>Section 9 General duties of local government</p> <p>A local authority may not permit the erection of a new MHI should it pose a risk to a variety of land uses including airports, housing or other MHI's. An MHI may only be erected at a distance which will not pose a risk in terms of the risk assessment. In addition, no development is permitted that may result in an installation being declared an MHI.</p> <p>The local authority is required to establish</p>	<p><i>NMBM may not permit the erection of an MHI at a distance that may pose a risk to other land uses.</i></p> <p><i>NMBM are required to establish off-site emergency plans for MHI's</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	off-site emergency plans in the vicinity of MHI's. In the event that the local government does not have the facilities to control a major incident or comply, they may make arrangements for assistance.	

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>NMBM: BY-LAW RELATING TO FIRE BRIGADE SERVICES (PN 1083 OF 30 NOVEMBER 2007)</p> <p>NMBM</p>	<p>Scope of the by-law:</p> <ul style="list-style-type: none"> • To promote the achievement of a fire-safe environment for all persons within the area of jurisdiction of the NMBM; • To repeal all existing relevant by-laws of the municipality and; • To provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the NMBM <p>The chief fire officer is empowered to direct any person to reduce the risk of fire on their premises and ensure that adequate measures are in place to fight fires.</p> <p>Local authorities such as the Port Elizabeth Municipality rely upon South African Bureau of Standards (SABS) Codes of Practice including SABS 0228 to identify and classify hazardous substances and then apply the provision of SABS 0263: The warehousing of dangerous goods – enclosed storage areas and covered and uncovered outdoor storage yards to minimise storage risks. SABS 0400-1990 is also used to determine the requirements for structure and fire protection and to clarify storage areas in terms of risk.</p>	<p><i>NMBM must ensure that permission to store hazardous substances is obtained from the fire brigade services.</i></p>

CHAPTER 6: LEGISLATION RELATED TO CONTROL OF NOISE, VIBRATION AND SHOCK	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Environment Conservation Act 73 of 1989 <p>Take Note: The Act has been repealed by Section 60 of the National Environmental Management: Air Quality Act 39 of 2004. According to Section 60(3) "anything done or deemed to have been under a provision repealed by subsection (1) and which can be done in terms of the constitutional or statutory powers of a municipality, remains in force" in the area of a municipality until repealed by the municipality of that area. Therefore the notices and regulations have been retained.</p>	Public Health
<ul style="list-style-type: none"> • National Environmental Management: Air quality Act 39 of 2004 	Public Health
<ul style="list-style-type: none"> • Port Elizabeth Municipality: Noise Control Regulations promulgated in terms of the Environment Conservation Act 73 of 1989, Section 25 	Public Health

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004</p> <p><i>DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA).</i></p>	<p>Section 34 Control of Noise Provides for the Minister to make regulations regarding the control of noise, either in general or by specified machinery or in specified places or areas. These are discussed further under the relevant section below.</p>	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NOISE CONTROL REGULATIONS IN TERMS OF THE ENVIRONMENT CONSERVATION ACT.</p> <p><i>NMBM</i></p>	<p>Noise-control regulations have been published in terms of the Environment Conservation Act, in two forms. Firstly, regulations have been made to apply to specific jurisdictions, and secondly, a set of regulations was published and local authorities were required to apply to the Department of Environment Affairs in the event of their wishing to implement the regulations. The Port Elizabeth Municipal Council (as it was then constituted) adopted similar regulations to those published, with the exclusion of certain regulations.</p> <p>The local authority can also order the testing of any vehicle which in its reasonable belief, is exceeding the stipulated noise levels.</p> <p>Regulation of noise emanating from buildings, premises, vehicles, recreational vehicles or streets as well as regulations regarding changes to existing facilities of existing uses of land or buildings, and excavation work are also regulated. The regulations prohibit disturbing noise as well as noise nuisance. "Noise nuisance" is defined as any sound which disturbs or impairs the convenience or peace of any person.</p>	<p>Local authorities are granted certain powers in respect of the Noise Regulations. They may conduct appropriate examinations, enquiries or inspections of particular premises and thereafter take any steps that the local authority deems necessary.</p>

CHAPTER 7: LEGISLATION RELATED TO NATURAL RESOURCE MANAGEMENT	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Conservation of Agricultural Resources Act 43 of 1983 <ul style="list-style-type: none"> ○ GN R1048 of 1984-05-25: Regulations ○ GN R1044/84: Weed Control Scheme – Establishment ○ GN R1045/84: Bush Control Scheme – Establishment ○ GN R1046/84: Flood Relief Scheme – Establishment ○ GN R1047/84: Soil Conservation Scheme - Establishment ○ GN R47/88: Flood Relief Scheme for flood disaster Areas ○ GN 272/2004 – Flood relief scheme of 2003 ○ GN 273/2004 – Drought relief scheme of 2003 ○ GN 274/2004 – Cold spell relief scheme of 2003 ○ Regulations: Amendment – GN 22166, 2001-03-30 ○ Disaster drought assistance scheme for agricultural water supply to stock/game farmers element: Emergency water supply – GN 27157, 2005-01-14 	<p>All, Public Health, Engineering and Infrastructure</p>
<ul style="list-style-type: none"> • Forest Act 122 of 1984 (Repealed) <ul style="list-style-type: none"> ○ GN R602 of 1986-03-27: Regulations in terms of the Forest Act, 1984 • National Forests Act 84 of 1998 <ul style="list-style-type: none"> ○ Gen N 833/99: Exemption in terms of Section 24(6) of the National Forest Act (No.84 of 1998) ○ Gen N 2450/99: Exemption in terms of Section 24(b) of the national Forest Act (No.84 of 1998) ○ GN 897/2006: Notice of List of Protected Tree Species under the National Forest Act (Act No.84 of 1998) ○ GN 1251/2006: Notice of declaration of particular trees and particular group of trees “champion trees” under Section 12(1)(a) and (b) of the National Forest Act, 1998 (Act No.84 of 1998) as amended – GN 1251/2006 ○ GN 3773/2007: Exemption in terms of Section 7(1) and 15(1) of the National Forests Act 84 of 1998, as amended ○ GN 817/2007: Notice of list of protected tree species under the National Forests Act 84 of 1998 ○ GN 399/2008: Exemption in terms of Section 24(b) of the National Forests Act, as amended ○ GN 762/2008: Declaration of a list of National Forest types as natural forests in terms of Section 7(3)(a) of the National Forests Act 84 of 1998, as amended ○ GN 1080/2008: Notice of list of protected tree species under the National Forests Act 84 of 1998 ○ GN R466/2009: Regulations under the National Forests Act 84 of 1998 ○ GN 761 in GG 31232 of 2008-07-18: Proposed list of tress and particular group of trees “champion trees” under Section 12(1)() and (b) of the National Forests Act 84 of 1998 	<p>Public Health, Engineering and Infrastructure</p>

<ul style="list-style-type: none"> ○ Gen N792 in GG 31171 of 2008-06-27: Draft regulations on principles, criteria and indicators of sustainable forest management 	
<ul style="list-style-type: none"> • National Veld and Forest Fire Act 101 of 1998 <ul style="list-style-type: none"> ○ GN R665/2003: Fire protection association regulations ○ Gen N: 1054/2005: The national fire danger rating system in terms of the National Veld and Forest Fire Act 1998 (Act No.101 of 1998) ○ GN R602/86: Regulations in terms of the Forest Act 1984 (Act 122 of 1984) 	Public Health
<ul style="list-style-type: none"> • Sea Shore Act 21 of 1935 will be replaced by the Integrated Coastal Management Act 24 of 2008 <ul style="list-style-type: none"> ○ GN 1720/55: Regulations concerning the sea-shore of the Union of South Africa ○ GN R2513/80: Regulations relating to the control of the sea-shore and the sea 	Public Health
<ul style="list-style-type: none"> • Integrated Coastal Management Act 24 of 2008 <ul style="list-style-type: none"> ○ Draft national action list for the screening of dredged material proposal for marine disposal - GN 34811, 2011-11-09 ○ Action list for the screening of dredged material proposed for marine disposal in terms of Section 27 of the Act GN 635, GG 35602 ○ Publication of explanatory Summary of the Bill GN 1046 	Public Health
<ul style="list-style-type: none"> • National Environmental Management Act: Protected Areas Act 57 of 2003 <ul style="list-style-type: none"> ○ GN R1061 in GG 2181 of 2005-10-28: Regulations for the proper administration of special nature reserves, national parks and world heritage sites ○ Spatial Planning and land use Management Bill 2012 	Public Health Human Settlements
<ul style="list-style-type: none"> • Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 <ul style="list-style-type: none"> ○ Notice under Section 1: GN R383 of 1983-02-25: Declaration of certain Substances and Remedies to be Agricultural Remedies ○ Regulations and Notices under Section 7 ○ Notices under Section 13 of the Act ○ Regulations under Section 23 of the Act ○ GN 732, GG 35666 ○ Publication of explanatory Summary of the Bill GN 971, GG 35902 	Public Health
<ul style="list-style-type: none"> • Marine Living Resources Act 18 of 1998 <ul style="list-style-type: none"> ○ R1111/98: Regulations in terms of the Marine Living Resources Act ○ R1659/98: Announcement of recreational abalone fishing conditions 	Public Health

<ul style="list-style-type: none"> ○ R1429/2000: Declaration of areas as marine protected areas ○ GN 473/2001: Declaration of area as marine protected area ○ GN 1264/2006: Notice of fees payable in respect of applications for and the issuing or granting of rights, permits and licences in terms of Section 25 of the Marine Living Resources Act (MLRA) (ACT NO.18 OF 1998) for recreational scuba diving in marine protected area ○ Gen N709 in GG 28868 of 2006-06-02: Draft Policy and regulations in terms of Section 77(2)(y) of the Act ○ Gen N1109/2007: Publication of policy for the development of a sustainable marine aquaculture sector in South Africa ○ GN 1024/2007: General Notice in terms of Section 16 of the Marine Living Resources Act, 1998 ○ GN 722/2008: Policy on boat-based whale and dolphine watching ○ Gen N1767 in GG 30574 in 2007-12-21: Draft Policy for the transfer of commercial fishing rights ○ Gen N508/2008: Fishing harbour fees ○ GN R62/2008: Regulations for the protection of wild abalone (<i>haliotis</i>) ○ Recognition of Abalone farmers Association of South Africa as an industry body for the Abalone Aquaculture sector in South Africa, NN 467 ○ Invitation to comment on the draft South African National Plan of Action for the Conservation and Management of Sharks: 2012 	
<ul style="list-style-type: none"> ● National Environmental Management: Biodiversity Act 10 of 2004 <ul style="list-style-type: none"> ○ GN 72 in GG 27214 of 2005-01-28: Draft national norms and standards for the sustainable use of large predators ○ GN 72 in GG 27214 of 2005-01-28: Draft relating to the keeping and hunting of <i>Acinonyx Jubatus</i>, <i>Hyaena Brunnea</i>, <i>Crocota Crocuta</i>, <i>Lycaon Pictus</i>, <i>Panthers Leo</i> and <i>Panthera Pardus</i> ○ GN 598 in GG 28803 of 2006-05-05: Draft norms and standards for the regulation of hunting industry in South Africa ○ Gen N801 in GG 30027 of 2007-06-29: Draft National Biodiversity Framework of South Africa - Part 1, Part 2, Part 3, Part 4, Part 5 ○ Gen N1112 in GG 30262 of 2007-09-05: Proposed guideline regarding the determination of bioregions and the preparation and publication of bioregional plans - Part 1, Part 2, Part 3, Part 4 ○ Gen N1146 in GG 30293 of 2007-09-17: Draft alien and invasive species regulations, 2007 – Part 1, Part 2, Part 3, Part 4 ○ Gen N1147 in GG 30293 of 2007-09-17: Draft lists of exempted alien species, prohibited alien species and invasive species for which a permit is required under certain circumstances ○ GN R270 in GG 30853 of 2008-03-07: Draft threatened or protected species, second amendment regulations 	Public Health

<ul style="list-style-type: none"> ○ Gen N347 in GG 32090 of 20090403: Draft alien and invasive species regulations, 2009 – Part 1, Part 2 ○ List 1: Gen N348 in GG 32090 of 2009-04-03: Categories of species exempted in terms of Section 66 ○ List 2: Gen N349 in GG 32090 of 2009-04-03: Categories of species exempted in terms of Section 67 ○ List 1: Gen N350 in GG 32090 of 2009-04-03: Categories of species exempted in terms of Section 70 ○ GN R214/2009: Norms and standards for Biodiversity Management plans for species ○ GN 291/2009: Guideline regarding the determination and the preparation of and publication of bioregional plans ○ National Biodiversity Framework – GN 32474, 2009-08-03 ○ Government Notice, GN 35248, NN 304 ○ Publication of norms and standards for Biodiversity Management Plans for Ecosystems, GN 532, GG 35486 ○ Amendment to the threatened or protected Species Regulations in GN 614, GG 35565 ○ Draft Biodiversity Management Plan for <i>Spheniscus Dermesus</i> in GN 614 GG 35565 <p>Notices under section 56</p> <ul style="list-style-type: none"> ○ Publication of lists of critically endangered, endangered, vulnerable and protected species – GN R151/GG 29657/2007-02-23 <p>Regulations under section 97</p> <ul style="list-style-type: none"> ○ Threatened or protected species regulations – GN R152/GG 29657/2007-02-23 <p>Commencement date of threatened of protected species regulations – GN R150/GG 29657/20070223</p> <ul style="list-style-type: none"> ○ GN 251/2008: National norms and standards for the management of elephants in South Africa ○ GN R149/2008: Notice of exemptions in terms of Section 86 ○ GN R138/2008: The regulations on bio-prospecting, access and benefit-sharing 	
<ul style="list-style-type: none"> • White Paper on the Conservation and sustainable use of South Africa's Biological Diversity 	Public Health
<ul style="list-style-type: none"> • Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 <ul style="list-style-type: none"> ○ R1146/92: Fees Regulation ○ R1490/92: Prevention of pollution for garbage from ships regulations ○ R133/98: Merchant shipping/Marine pollution (IBC Code) regulations ○ R134/98: Marine pollution (BCH Code) regulations 	NMBM must take note

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 OF 1983</p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p>	<p>Provides for the control of the use of natural agricultural resources in order to promote the conservation of soil, water sources and the vegetation and the combating of weeds and invader plants.</p> <p>Section 5 'No person shall ... disperse or cause or permit the dispersal of any weed from any place ... to any other place'</p> <p>Regulations have been promulgated declaring a list of invader weeds and regarding control measures</p>	<p><i>NMBM are required to remove all declared weeds (see regulations below)</i></p> <p><i>In addition, NMBM must take care that construction activities do not result in alien invader plants spreading through disturbance of ground or the importation of fill material containing alien seed.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>ALIEN INVADER REGULATIONS (R1048 25 MAY 1984 AS AMENDED BY R2687 6 JUNE 1985 AND R280 30 MARCH 2001)</p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p>	<p>The regulations divide alien invader plants into three categories as follows:</p> <p>Category 1: plants must be removed and destroyed immediately</p> <p>Category 2: plants may be grown under controlled conditions in demarcated areas only</p> <p>Category 3: plants may no longer be planted.</p> <p>Control methods are specified and initial clearance has to be followed up to ensure effective control.</p>	<p><i>NMBM are required to remove all Category 1 plants and all Category 2 plants which they do not have a permit to grow from land they own e.g. sweet prickly pear (C1) and sisal (C2).</i></p> <p><i>NMBM may not plant category 3 plants.</i></p>
<p>SOIL CONSERVATION REGULATIONS (R1048 25 MAY 1984 AS AMENDED BY R2687 6 JUNE 1985 AND R280 30 MARCH 2001)</p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p>	<p>Sections 2 to 11 of the regulations specify control measures aimed at controlling the cultivation of virgin land and conserving soil. Control measures include:</p> <ul style="list-style-type: none"> • Prohibiting cultivation of land with a slope of more than 20% • Prevention of situations that may lead to erosion of soil; • Prevention of situations that may lead to waterlogging and salination of irrigated land; • Protection of vleis, marshes, water sponges and water courses; • Regulating the flow of run-off water; and • Protecting land from over grazing. 	<p><i>NMBM are required to obtain written authority from the Department of Agriculture for the cultivation of virgin soil (Section 2 of Regulations).</i></p> <p><i>NMBM are obliged to ensure that agricultural practices under its control comply with the requirements of these regulations, including number of livestock that can be kept on land.</i></p>

**Permit
Requirements**

- 248, NN 304NMBM are required to obtain authorisation in terms of CARA for the cultivation of virgin soil.

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT 36 OF 1947</p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p> <p>AGRICULTURAL REMEDIES REGULATION (R383 25 FEBRUARY 1983)</p>	<p>Provides for the regulation of herbicides, pesticides and fertilizers.</p> <p>Section 3 All fertilizers and plan and pest control must be registered with the Department of Agriculture. Pest controllers must be qualified before they are registered. Only registered weedkillers, herbicides and pesticides may be used.</p> <p>Declaration by the Minister of certain substances and remedies to be agricultural remedies.</p>	<p><i>NMBM must ensure that only registered products are utilised.</i></p> <p><i>NMBM must ensure that personnel employed as pest controllers or contractors appointed to control pest are registered with the Department of Agriculture.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>MARINE LIVING RESOURCES ACT 18 OF 1998</p> <p><i>Department of Agriculture Forestry and Fisheries</i></p>	<p>Provides for the conservation of the marine ecosystem, the minimising of marine pollution, the long term sustainable use of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources in a fair and equitable manner.</p>	<p>Officials within the NMBM may have powers delegated to them in terms of this Act.</p>
	<p>Section 9: Fishery control officers and honorary marine conservation officers</p> <p>The Minister may designate posts or ranks in any organ of state of which the incumbents shall be fishery control officers. The minister may also appoint a person as an honorary marine conservation officer, and in doing so specify the powers to be exercised by that person in terms of this Act.</p>	<p>The following seven posts in the former Western District Council have been designated as Fisheries Control Officers (in GN 2418 GG 21310, 30 June 2000) as follows:</p> <ul style="list-style-type: none"> • River control officer • Senior Nature Conservation Officer • Nature Conservation Officer • Senior Ranger • Ranger • Assistant Ranger • Principal Nature Conservation Officer
	<p>Section 79: Delegation of Powers</p> <p>The Minister may, by notice in the <i>Gazette</i>, delegate any power in terms of this Act (except to make regulations), to an authority in the local sphere of government.</p>	<p>Powers delegated in terms of Section 79 must be by way of a written notice in the <i>Gazette</i>.</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004</p> <p><i>Department of Environmental Affairs (DEA)</i></p>	<p>The Act provides for:</p> <ul style="list-style-type: none"> • The management and conservation of South Africa's biodiversity; • The protection of species and ecosystems warranting national protection; the sustainable use of indigenous biological resources; • The fair and equitable sharing of benefits arising from bio prospecting involving indigenous biological resources; and • The establishment and functions of a Biodiversity institute. 	<p>As an organ of state the Municipality may be required to issue permits and/or contribute to the formulation of conservation plans.</p>
	<p>Section 38 (1): A National Biodiversity Framework must be prepared and adopted within 3 years of the Act taking effect (Note: probably take effect on 1 Sep 2004)</p>	<p>The Municipality should be included in the formulation of the National Biodiversity Framework.</p>
	<p>Section 39. (1): The national biodiversity Framework must provide for an integrated, co-ordinated and uniform approach to biodiversity management by organs of state in all spheres of government (and other sectors) .</p>	<p>Local level plans would be required for the implementation of the framework</p>
	<p>Section 39. (2)The national biodiversity framework may determine norms and standards for provincial and municipal conservation plans.</p>	<p>Existing and new plans would have to comply with to these norms.</p>
	<p>Section 40. (2) The minister may determine a region as a bioregion and publish a bioregional plan for the region at the request of a province or municipality (or on own initiative).</p>	<p>Municipality can request that a region be declared a bioregion (and can assist in the preparation of the bioregional plan)</p>
	<p>Section 48. (2): The Municipality must:</p> <ul style="list-style-type: none"> • Align its IDP with the national biodiversity framework and any applicable bioregional plan; • Incorporate into that plan those provisions of the national biodiversity framework or a bioregional plan that specifically apply to it; and • Demonstrate in its plan how the national biodiversity framework and any applicable bioregional plan may be implemented by the Municipality 	<p>The NMMOSS and other conservation plans must be aligned with the Biodiversity Framework once it is published.</p>
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (CONT)</p>	<p>Section 48. (2): The Minister may require the Municipality to report regularly on the results of monitoring, as measured against predetermined (by the Minister) indicators: The Minister must report annually to Parliament.</p>	<p>The Municipality may be required to report on the conservation status, and positive or negative trends, of various components of the Municipality's biodiversity.</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
		<i>The Municipality should align indicators for measuring conservation status of biodiversity with the National Framework, when this becomes available (±September 2007).</i>
	Section 48. (2): The Municipality must take into account the need for the protection of listed ecosystems.	The IDP must take into account the protection of listed ecosystems. Listed ecosystems would be published in the Gazette by the Minister.
	Section 57 (1): Activities that may have a detrimental impact on a listed threatened or protected species, and which are listed by means of a notice in the Gazette, may not be carried out without a permit.	The Municipality may be required to apply for permits to conduct certain listed activities which, together with the listed threatened or protected species, may be identified by the Minister. Alternatively, the Municipality may be mandated to issue such permits.
	Section 65 (1): A person may not carry out a restricted activity involving a specimen of an alien species without a permit issued in terms of Chapter 7.	The Municipality may require a permit for certain activities (which have not yet been identified).
	Section 71 (1): A person may not carry out a restricted activity involving a specimen of a listed invasive species without a permit issued in terms of Chapter 7.	The Municipality may require a permit for certain activities (which have not yet been listed).
	Section 73 (2): The owner of land on which a listed invasive species occurs must take steps to control and eradicate the listed invasive species.	The Municipality may be required to control certain (as yet unidentified) invasive species.
	Section 73 (3): A competent authority may direct a person to take steps to remedy any harm to biodiversity resulting from the actions of that person or as a result of occurrence of listed invasive species occurring on land on which that person is the owner.	The Municipality may be designated by regulation as a competent authority for the control of alien species. Similarly, the Municipality may be directed to remedy harm caused by listed invasive species.
	Section 76 (2): All organs of state must prepare an invasive species monitoring, control, and eradication plan for land under their control, as part of their environmental plans in accordance with section 11 of the National Environmental Management Act. The owner of land on which a listed invasive species occurs must take steps to control and eradicate the listed invasive species.	The Municipality must prepare an invasive species monitoring, control and eradication plan as part of the IDP.
	Section 76 (3): The Minister may request the Institute to assist municipalities in performing their duties.	The Municipality may be able to get assistance from the Minister for preparing the plan.

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (CONT)	<p>Section 74 (4): An invasive species monitoring, control and eradication plan must include –</p> <ul style="list-style-type: none"> • A detailed list and description of any listed invasive species occurring on the relevant land; • A description of the parts of that land that are infested with such listed invasive species; • An assessment of the extent of such infestation; • A status report on the efficacy of previous control and eradication measures; • The current measures to monitor, control and eradicate such invasive species; and • Measurable indicators of progress and success, and indications of when the control plan is to be completed. 	Take note.
	<p>Section 81 (1): A person may not carry out a bio prospecting without a permit.</p>	The Municipality may be designated by regulation as an issuing authority for bio prospecting permits (but more likely to be at national level)
	<p>Section 97 (1): A person may not carry out a restricted activity involving a specimen of a listed invasive species without a permit issued in terms of Chapter 7.</p>	The Municipality may require a permit for certain activities (which have not yet been listed).
	<p>Section 97: Makes provision for the making of regulations, including the designation of the Municipality as an issuing authority for permits.</p>	Take note

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003</p> <p>NOTE: SECTION 90 OF THE ACT REPEALS THE NATIONAL PARKS ACT OF 57 OF 1976 WITH THE EXCEPTION OF SECTION 291) AND SCHEDULE 1. SEE ALSO SECTION 91</p> <p>DEA</p>	<p>The Act provides for the declaration of four types of protected area by the Minister or the MEC as follows:</p> <p>(a) special nature reserves, nature reserves (including wilderness areas) and protected environments;</p> <p>(b) world heritage sites;</p> <p>(c) not yet defined,</p> <p>(d) specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998 (Act No. 84 of 1998); and</p> <p>(e) Mountain catchment areas declared in terms of the Mountain catchment Areas Act.</p>	<p>NMBM are responsible for a number of protected environments, as described in the Nelson Mandela Bay Open Space system (NM BOSS).</p> <p>Written consent is required from landowners in the instance of declaring a nature reserve, whilst written notice must be sent to landowners in the case of declaring a protected environment (provided the landowner has requested or consented to a declaration).</p>
	<p>Section 8: Status of provincial legislation on provincial and local protected areas</p> <p>This Act does not affect the implementation of provincial legislation with regard to provincial or local protected areas to the extent that such</p> <p>Legislation (a) regulates matters not covered by this Act; (b) is consistent with this Act; or (c) prevails over this Act in terms of section 146 of the Constitution.</p>	<p>Existing provincial and local legislation for managing local protected areas remains in force provided it meets the conditions listed.</p>
	<p>Section 38: Management Authorities</p> <p>The management of a protected area may be assigned (in writing) to the Municipality (and in terms of Section 39(1), only if the Municipality agrees).</p>	<p>The NMBM is responsible for the following locally protected areas:</p> <ul style="list-style-type: none"> • Cape Recife local nature reserve • Lady Slipper local nature reserve • Maitland local nature reserve • Sardinia Bay local nature reserve • Settlers Park local nature reserve • Swartkops Valley local nature reserve • Sylvic local nature reserve • The Springs local nature reserve • Van Stadens Wild Flower Reserve
	<p>Section 39 Preparation of management plan:</p> <p>The assigned management authority must, within 12 months of the assignment, submit a management plan for the protected area to the Minister or MEC. The management plan must be prepared in consultation with other organs of state, local communities, and</p>	<p>The NMBM will be required to prepare management plans for all protected areas for which it has been assigned by the MEC or the Minister. The management plan must be aligned with the IDP.</p> <p>In cases where the NMBM is not the managing authority, the Municipality must</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT (CONT)	<p>other affected parties that have an interest in the area.</p> <p>A management plan must take into account any applicable aspects of the Municipalities integrated development plan.</p>	<p>ensure that the requirements of the IDP are communicated to the MEC.</p>
	<p>Section 43 (3) Performance indicators:</p> <p>The management authority of a protected area must monitor the area against the performance indicators (for management of protected areas and conservation of biodiversity) and annually report its findings to either the Minister, MEC or a person designated by the Minister or MEC.</p>	<p>The NMBM must submit annual reports to the MEC or Minister for protected areas that it has been assigned the management responsibility for. The report must cover the performance indicators as set out by the Minister or MEC.</p>
	<p>Section 53: Essential services</p> <p>Access to a special nature reserve or nature reserve, and certain activities in a protected area or world heritage site, may not be restricted/applied in a manner that would obstruct the resolution of issues relating to land rights dealt with in terms of the provision of essential services and the acquisition of servitudes for that purpose.</p>	<p>The NMBM may obtain consent from the Minister or the MEC for the provision of essential services that may impact on land falling into one of these restricted areas.</p>
	<p>Section 92 (2): Protected areas existing before commencement of section</p> <p>The organ of state managing a protected area immediately before this section took effect must continue managing the area until the management of the area is assigned either to it or another management authority.</p>	<p>The NMBM is responsible for the following locally protected areas:</p> <ul style="list-style-type: none"> • Cape Recife local nature reserve • Lady Slipper local nature reserve • Maitland local nature reserve • Sardinia Bay local nature reserve • Settlers Park local nature reserve • Swartkops Valley local nature reserve • Sylvic local nature reserve • The Springs local nature reserve • Van Stadens Wild Flower Reserve

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL FORESTS ACT 84 OF 1998</p> <p><i>Department of Agriculture, Forestry and Fisheries (DAFF)</i></p>	<p>Act regulates natural forests and woodlands as well as plantations. It provides for the declaration of protected trees, forests and areas as well as State Forests.</p>	
	<p>Section 7(1) Natural Forests: No person may cut, disturb damage or destroy any indigenous living tree in, or remove or receive any such tree from, a natural forest except in terms of a license or an exemption (issued by the Minister). Natural Forests are forests a group of indigenous trees having a crown which is largely contiguous or which has been declared a Natural Forest by the Minister.</p>	<p><i>NMBM are required to obtain a license should they wish to disturb, destroy, damage or remove trees from natural forests.</i></p>
	<p>Section 8: Power to set aside protected areas: The minister may at the request or with the consent of the registered landowner of land outside a state forest, declare it as a specially protected area (Only if he or she is of the opinion that it is not already adequately protected in terms of other legislation).</p>	<p>NMBM may request the minister to declare land which it owns as a specially protected area.</p>
	<p>Sections 10 (1): Protected Areas No person may cut, disturb damage or destroy any forest produce in, or remove any forest produce from, a protected area except under certain circumstances. These include:</p> <ul style="list-style-type: none"> • The course of management of the protected area by the responsible organ of state; • In terms of a right of servitude. 	<p><i>NMBM are required to obtain a license should they wish to disturb, destroy, damage or remove forest produce from a protected area.</i></p>
	<p>Section 12 (1) Declaration of trees as protected: The Minister may declare a tree, group of trees, woodland or species of tree as protected.</p>	<p><i>Identify protected trees that the Municipality is likely to affect and make relevant employees aware of the requirements of section 15.</i></p>
	<p>Section 15 (1) It is prohibited to cut, destroy, remove or damage a protected tree OR collect, remove, export, purchase, sell or donation a protected tree, except under a license granted by the Minister.</p>	<p><i>NMBM are required to obtain a license should they wish to disturb, destroy, damage or remove a protected tree.</i></p>
	<p>Section 15 (3) The Minister must publish a list of species protected under Section 12 annually.</p>	<p>NMBM to monitor changes to the list of protected species on an annual basis.</p>
	<p>Section 18 (1) Any organ of State may apply to the Minister to protect a forest, species of tree, tree or group of trees.</p>	<p>NMBM may apply to the Minister.</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>LIST OF PROTECTED TREE SPECIES(GN 1012 27 AUGUST 2004)</p> <p><i>Section 12 of the National Forests Act 84 of 1998</i></p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p> <p>LIST OF PROTECTED TREE SPECIES(GN 767 5 AUGUST 2005, GN 897/2006)</p>	<p>This notice provides a list of tree species that, in terms of section 15 (1) of the National forests Act 1998, that may not be cut, disturbed, damaged, or destroyed. Furthermore, not person may possess, collect, remove, transport, export, purchase, sell, donate, or in any other manner acquire or dispose of any protected tree or any forest product derived from a protected tree, except under a license issued by Water Affairs and Forestry.</p> <p>This notice provides a list of tree species that, in terms of section 15 (3) of the National forests Act, that may not be cut, disturbed, damaged, or destroyed. Furthermore, not person may possess, collect, remove, transport, export, purchase, sell, donate, or in any other manner acquire or dispose of any protected tree or any forest product derived from a protected tree, except under a license issued by Water Affairs and Forestry.</p>	<p>The NMBM is required to obtain a license from the Department of Water Affairs and Forestry if it intends disturbing a protected tree species in any way. The complete list of protected tree species is available from the Environmental Management System Office.</p> <p>The NMBM is required to obtain a license from the Department of Water Affairs and Forestry if it intends disturbing a protected tree species in any way. The complete list of protected tree species is available from the Environmental Management System Office.</p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL VELD AND FOREST FIRE ACT 101 OF 1998</p> <p><i>Department of Agriculture, Forestry and Fisheries</i></p>	<p>The purpose of the Act is to prevent and combat veld, forest and mountain fires in South Africa.</p>	
	<p>Chapter 2 Fire Protection Associations Provides for the establishment of Fire Protection Associations with the aim of predicting, preventing, managing and fighting fires. Membership of an FPA is voluntary. However, local authorities are obliged to join a FPA in an area where all or part of an area is controlled by the municipality and has a fire brigade service or there is a designated service.</p> <p>FPA's are obliged amongst other duties to develop veld fire management strategies, train members and communicate fire danger ratings.</p> <p>An FPA must consult with a municipality or designated service who is a member in the development of a strategy.</p>	<p><i>NMBM are required to join the Fire Protection Associations constituted within the municipal area.</i></p>
	<p>Chapter 4 Firebreaks Owners must prepare and maintain a firebreak if a veld fire may start on their land or if a fire may spread to their land. The firebreak must be maintained. Such a firebreak must have a reasonable chance of preventing a veld fire from spreading, must not cause soil erosion and should be reasonably free of inflammable material.</p>	<p><i>NMBM must prepare and maintain firebreaks on land that they own where a fire may start or may spread to.</i></p>
	<p>Chapter 5 Firefighting Owners of land where a veld fire may start must be prepared to fight fires, have trained personnel and the requisite equipment</p>	<p><i>NMBM must ensure they have the capacity to fight fires that occur on their land.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>SEA SHORE ACT 21 OF 1935</p> <p><i>DEA</i></p>	<p>The Act declares between the high-water mark and low-water mark (the sea shore) as the property of the State. The high-water mark is defined as the highest line reached by the sea during ordinary storms occurring in the stormiest period of the year (abnormal events are excluded) and the low-water mark as the lowest line the sea recedes to during spring tides.</p> <p>The sea shore may be let for a variety of purposes e.g. erection of beach shelters and construction of jetties, sea walls, tidal pools etc provided such letting is in the general interests of the public. The Minister is required to consult the local authority prior to leasing the sea shore. It is an offence to undertake activities listed in the Act below the high water mark without a lease.</p> <p>In addition, the Minister may let, sell or donate any portion of the seashore and the sea to any local authority.</p>	<p><i>NMBM require a permit (lease) to construct any structures below the high water mark of the sea.(c.f. EIA Regulations)</i></p>
<p>NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 24 OF 2008</p> <p><i>DEA</i></p>	<p>Objectives of the act:</p> <ul style="list-style-type: none"> • To establish a system of integrated coastal and estuarine management in the Republic, including norms, standards and policies, in order to promote the conservation of the coastal environment and maintain the natural attributes of coastal landscapes and seascapes and to ensure that development and the use of natural resources within the coastal zone is socially and economically justifiable and ecologically sustainable • To define rights and duties in relation to coastal areas • To determine the responsibilities of organs of state in relation to coastal areas. • To prohibit incineration at sea • To control dumping at sea, pollution in the coastal zone, inappropriate development of the coastal environment and other adverse effects on the coastal environment. • To give effect to South Africa's international obligations in relation to coastal matters 	

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / <i>Required Actions</i>
	<ul style="list-style-type: none"><li data-bbox="544 331 979 387">• To provide for matters connected therewith	

CHAPTER 8: LEGISLATION RELATED TO THE MANAGEMENT OF CULTURAL RESOURCES	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • National Heritage Resources Act 25 of 1999 <ul style="list-style-type: none"> ○ GN R323/2000: Regulations in terms of section 59 of the Act ○ GN R548/2000: Regulations in terms of Section 25 of the Act ○ GN R1512/2002: Declaration of types of heritage objects ○ GN 418/2006: Schedule of trees for permit applications made to the south African Heritage Resource Agency (SAHRA) ○ South African Heritage Resources Agency: declaration of the graves of Chief Albert John Mvumbi Luthuli, Dr. John Langalibalele Dube and Dr. Alfred Bitini Xuma, GN 463, GG 35448 	Public Health, EDRS

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>NATIONAL HERITAGE RESOURCES ACT 25 OF 1999</p> <p><i>South African Heritage Resources Authority</i></p>	<p>The Act promotes the good management and protection of the national estate (heritage resources) and provides for a management system.</p> <p>The national estate includes a wide variety of things including places, buildings, historical settlements or townscapes, landscapes and natural features of cultural significance, archaeological sites, graves and burial grounds, various moveable objects.</p> <p>The Act established the South African Heritage Resources Authority to co-ordinate heritage resources management.</p>	
	<p>Section 5 and 6: Principles</p> <p>All authorities involved in managing heritage resources in terms of the Act, must recognise a set of principles which includes:</p> <ul style="list-style-type: none"> • Heritage resources are valuable, finite, non-renewable and irreplaceable and must be carefully managed; • Trusteeship for future generations. <p>Additional principles may be published by SAHRA.</p>	
	<p>Section 7 and 8: Grading and Management</p> <p>Three tiers of heritage resources may be identified:</p> <ul style="list-style-type: none"> • Grade I: heritage resources with exceptional qualities that are of special national significance • Grade II: heritage resources with special qualities which are significant within a provincial or regional context • Grade III: other heritage resources worthy of conservation <p>Each grade of heritage resources is managed respectively by SAHRA, provincial heritage authorities and local authorities.</p> <p>Local authorities are responsible for the identification and management of Grade III resources. A local authority must apply for its competence to manage resources to be assessed by the provincial authorities.</p>	<p><i>NMBM are required to identify and manage grade III heritage resources.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
	<p>Chapter II Protection and Management Heritage resources are protected in terms of the Act and various permits and licenses are required in order to damage or remove heritage resources. Local authorities may declare certain areas or resources as protected in terms of the Act.</p> <p>A heritage impact assessment is required should certain categories and types of development be contemplated. If the development is a listed activity in terms of the EIA regulations, then the requisite study must be completed in terms of the EIA.</p>	<p><i>NMBM are required to identify and manage grade III heritage resources.</i></p> <p><i>NMBM must undertake a heritage impact assessment if they are to undertake a development of the type listed in the Act.</i></p>

CHAPTER 9: LEGISLATION RELATED TO HEALTH, SAFETY AND NUISANCE	APPLICABLE DIRECTORATES
<ul style="list-style-type: none"> • Occupational Health and Safety Act 85 of 1993 <ul style="list-style-type: none"> ○ GN R2281 of 1987-10-16: Environmental Regulations for Workplaces ○ GN R1179 of 1995-08-25: Regulations for Hazardous Chemical Substances ○ GN R1449 of 1996-09-06: General Administrative Regulations ○ GN R929 of 2003-06-25: General Administrative Regulations, 2003 ○ GN R1390 of 2001-12-27: Regulations for Hazardous Biological Agents ○ GN R155 of 2002-02-10: Asbestos Regulations, 2001 ○ GN R236 of 2002-02-28: Lead Regulations, 2001 ○ GN R109 of 2003-01-17: Explosives Regulations ○ GN R1031/86: general safety Regulations ○ GN R1010/2003: Construction Regulations ○ GN R1593/88: Electrical Machinery Regulations ○ GN R929/2004: Facilities Regulations ○ GN R307/2003: Noise-Induced Hearing Loss Regulations ○ GN R639/95: Regulations for the Integration of the Occupational, Health and Safety Act ○ GN R183 in GG 27351 of 2005-03-04: Proposed Electrical Machinery Regulations ○ GN 1039 in GG 28162 of 2005-10-28: Draft General Health and Safety Regulations ○ Gen N1161 in GG 28293 of 2005-12-09: Draft Electrical Installation Regulations ○ GN 1039 in GG 28162 of 2005-10-28: Draft Health and Safety Regulations ○ GN R152/88: General Machinery Regulations ○ GN R797/94: Lift, escalators and passenger conveyor regulations ○ GN R1075/2011: National code of practice for the training providers of lifting machine operators 	ALL DIRECTORATES
<ul style="list-style-type: none"> • Health Act 63 of 1977 <ul style="list-style-type: none"> ○ GN R1496/83: Regulations relating to conditions attached to the payment of subsidies to local authorities ○ GN R237/85: Regulations relating to funeral undertaker's premises ○ GN R1256/86: Regulations relating to the compulsory notification of births ○ GN R1256/86: Regulations relating to milking sheds and the transport of milk ○ GN R1128/91: Regulations relating to inspections and investigations ○ GN R918/99: Regulations governing general hygiene requirements for food premises and the transport of food ○ GN R873/2000: Regulations on fluoridating water supplies 	Public Health

<ul style="list-style-type: none"> ○ GN R1278/78: Regulations relating to offensive trades ○ GN R158/80: Regulations governing private hospitals and unattached operating theatre units 	
<ul style="list-style-type: none"> • National Health Act 61 of 2003 <ul style="list-style-type: none"> ○ GN R341 in GG 27464 of 2005-04-15: Proposed Regulations regarding the rendering of forensic pathology service ○ GN R27 in GG 30681 of 2008-01-25: Proposed regulations relating to communicable diseases ○ Also take note of other applicable regulations under the Act ○ Regulations: Use of human biological material – GN 34159, 2011-04-01 ○ Regulations 175-183 ○ Regulations 185 and 186 ○ Call for the establishment of an National Advisory Committee on the prevention and control of cancer, GG 35447, GN 462 	Public Health
<ul style="list-style-type: none"> • Port Elizabeth Municipality: Regulations for the Control of Nuisances (PN 484 of 27 July 1962) 	Public Health

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993</p> <p><i>Department of Labour</i></p>	<p>The Occupational Health and Safety Act (OHSA) focuses on health and safety aspects of employees in the workplace.</p> <p>The Act creates a legal duty for employers to provide and maintain a safe working environment that does not pose risks to health of employees or expose directly affected third parties to hazards.</p> <p>Penalties in terms of the Act would apply to any employer who is guilty of, <i>inter alia</i>, one of the following:</p> <ul style="list-style-type: none"> • The failure to provide a safe and healthy workplace environment for employees; • The failure to ensure that people, including members of the public who may be directly affected by workplace activities, are not exposed to hazards; • The failure of manufacturers to ensure that their products are safe, and if this cannot be achieved, that sufficient appropriate information is made available relating to the hazards and associated precautionary measures; <p>The failure to comply with the regulations in terms of the OHSA is a criminal offence. Furthermore, where environmental hazards are created or already exist, any party in control of that area who is aware of both the existence of a hazard and a threat that it poses, whether or not they created it, must as far as is reasonable, limit potential harm to others.</p> <p>An amendment to the Act also introduced a provision for employees to participate in the selection of safety representatives</p>	<p><i>The OHSA places a duty on NMBM to ensure that employees are not exposed to situations that may endanger their health and safety.</i></p> <p><i>In terms of OHSA, both permanent and contractual staff are not obligated to undertake activities under conditions, weather or otherwise, which endanger their health and safety. NMBM also has a duty to fully inform employees of dangers related to a particular activity, and to ensure that they are adequately trained.</i></p> <p><i>Furthermore, NMBM has a duty to members of the public which may be affected by the organisation's activities. This applies particularly to instances when there may be an uncontrolled fire or pollution incident to air, water or land. Where health risks are perceived to exist by members of the public, the onus is on NMBM to make the appropriate information available relating to possible hazards.</i></p>

Relevant Act and Regulatory Authority	Scope and Goals of Legislation	Applicability to NMBM / Required Actions
<p>HEALTH ACT 63 OF 1977</p> <p><i>Department of Health</i></p>	<p>The Act provides measures for the promotion of health of inhabitants of the Republic of South Africa. In terms of the Act, every local authority is required to take all lawful, necessary and reasonable practicable measures to maintain its district at all times in a hygienic and clean condition, and to prevent the occurrence of any nuisance or unhygienic condition.</p> <p>Included in the definition of "nuisance" is:</p> <ul style="list-style-type: none"> • Any stream, pool, marsh, ditch, gutter, watercourse, cistern, drain, etc. so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health; • Any accumulation of refuse or other matter which is offensive or injurious to health; • Any factory or industrial or business premises not kept in a clean state and free from offensive smells arising from any source or not so ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated; • Any area of land kept or permitted to remain in such a state as to be offensive, or any other activity, condition or thing declared to be a nuisance by the Minister. 	<p><i>NMBM are required to ensure the provisions of the Act are implemented and to ensure their own operations meet the requirements.</i></p> <p>Regulations have been promulgated by the former Port Elizabeth Municipality to assist with the implementation (see below).</p>
<p>NATIONAL HEALTH ACT 61 OF 2003</p>	<p>The Act provides a framework for a structured uniform health systems within the Republic, taking into account the obligations imposed by the Constitution and other laws on the national, provincial and local governments with regard to health services and to provide for matters connected therewith. The Act recognises the following:</p> <ul style="list-style-type: none"> • the socio-economic injustices, imbalances and inequalities of health services of the past; • the need to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights; • the need to improve the quality of life of all citizens and to free the potential of each person; 	<p><i>NMBM are required to ensure the provisions of the Act are implemented and to ensure their own operations meet the requirements.</i></p>

Relevant Act and Regulatory Authority	Scope, Goals and Description of Legislation	Applicability to NMBM / Required Actions
<p>PORT ELIZABETH MUNICIPALITY: REGULATIONS FOR THE CONTROL OF NUISANCES (PN 484 OF 27 JULY 1962)</p> <p>NMBM</p>	<p>The regulations require that the owner of land may be required to clear trees, bushes, weeds, grass or other vegetation if it is likely to be used as a shelter for vagrants, or threaten the health and safety of any member of the public. In addition no person shall accumulate, dump or deposit or allow or permit to accumulate, dumped or deposited on any land or premises any rubbish, waste material, used vehicles or other machinery.</p>	<p><i>NMBM must ensure that it adheres to the requirements of its own by regulations</i></p> <p><i>NMBM must implement the regulations.</i></p>

