

MIDVAAL LOCAL MUNICIPALITY
MINUTES OF THE 5TH ORDINARY MEETING OF 2025 HELD ON THURSDAY,
29 MAY 2025 AT 14:00 IN THE COUNCIL CHAMBERS

C 3536/05/2025
MC A/6580/05/2025

9.A.5 [COMM]: DRAFT ENVIRONMENTAL MANAGEMENT BY-LAW

1/1/1/8

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the report on the Draft Environmental Management By-law, be noted.
2. That the Draft Environmental Management By-law, attached to the report as Annexure "A", be approved.
3. That the initiation of a public consultation process in accordance with section 7 of the Rationalisation of the Local Government Affairs Act, 1996 (Act No. 10 of 1998) (Rationalisation of the Local Government Affairs Act) read with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000) (Municipal Systems Act), read with section 160 of the Constitution, be approved.
4. That, upon conclusion of the public participation process, a further report be submitted by Community Services Department to Council for the adoption and promulgation of the new Environmental Management By-law.

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**DRAFT
ENVIRONMENTAL MANAGEMENT
BY-LAW**



MIDVAAL LOCAL MUNICIPALITY

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PREAMBLE

This By-law outlines and guides the Midvaal Local Municipality's approach to environmental sustainability in the face of unprecedented climate change.

Recognising the sustainable development principles as provided for in the Earth Charter, the United Nations New Urban Agenda, the United Nations Sustainable Development Goals (SDGs), as well as the mandate and powers granted to the Council of the Midvaal Local Municipality by the Constitution of the Republic of South Africa, 1996, the National Environmental Management Act 107 of 1998, the Local Government: Municipal Structures Act 117 of 1998, the Local Government: Municipal Systems Act 32 of 2000 and legislation about local government and the environment, this By-law provides a framework for local environmental governance in the Municipality.

BE IT ENACTED by the Midvaal Local Municipality, as follows: -

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CHAPTER 1

DEFINITIONS, APPLICATION, INTERPRETATION AND LOCAL ENVIRONMENTAL GOVERNANCE PRINCIPLES

1. DEFINITIONS

In this By-law, unless the context otherwise indicates –

“Authorised official” means an employee of the Mivdaal Local Municipality responsible for carrying out any duty or function, or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers.

‘Activities’ include policies, programmes, plans and projects of and within the Municipality.

‘Constitution’ means the Constitution of the Republic of South Africa, 1996.

‘Councillor’ means a member of the municipal council of the Midvaal Local Municipality.

‘Department’ means the national department responsible for environmental affairs.

‘Development’ means sustainable development, and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational, and human resources upliftment of the local community aimed at-

- a) improving the quality of life of its members with specific reference to the poor and disadvantaged sections of the community; and
- b) ensuring that development serves present and future generations.

‘Decision’ means any decision of an administrative nature made, proposed to be made, or required to be made under an empowering provision, including a decision relating to:

- a) making, suspending, revoking, or refusing to make an order, award, or determination.
- b) giving, suspending, revoking, or refusing to give a certificate, direction, approval, consent, or permission.
- c) issuing, suspending, revoking, or refusing to issue a licence, authority, or other instrument.
- d) imposing a condition or restriction.
- e) making a declaration, demand, or requirement.
- f) retaining, or refusing to deliver up, an article; or
- g) doing or refusing to do any other act or thing of an administrative nature, and a reference to a failure to take a decision must be construed accordingly.

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'District municipality' means a district municipality established in terms of the Local Government: Municipal Structures Act 117 of 1998 and refers to the Sedibeng District Municipality where relevant.

'Environment' means the surroundings within which humans exist and that are made up of-

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

'Environmental justice' in the context of this By-law means fairness and equal benefit from and access to natural resources, the environment, and the protection thereof, and further means that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.

'Environmental management co-operation agreement' means an agreement as provided for in section 35(1) of the National Environmental Management Act 107 of 1998.

'Environmental management inspector' means, unless where otherwise indicated, an assigned environmental management inspector in terms of section 31C of the National Environmental Management Act 107 of 1998.

'Environmentally relevant decisions' means any decision taken by the municipality concerning the environment, actual or potential environmental harm, and existing and future activities or developments that may cause harm to the environment.

'Environmentally sustainable', about the provision of a municipal service, means the provision of a municipal service in a manner aimed at ensuring that-

- a) the risk of harm to the environment and human health and safety is minimised to the extent reasonably possible under the circumstances;
- b) the potential benefits to the environment and human health and safety are maximised to the extent reasonably possible under the circumstances; and
- c) legislation intended to protect the environment and human health and safety is complied with as per section 1 of the Local Government: Municipal Systems Act 32 of 2000.

'Expanded Public Works Programme' in the context of this By-law means a municipal development-oriented programme aimed at fostering protection of the natural resources and sustainable use thereof without compromising sustainable social and local economic development.

'Hazardous' means a source of or exposure to danger.

'Integrated development plan' means a municipal plan envisaged in section 25 of the Local Government: Municipal Systems Act 32 of 2000.

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'Intergovernmental Relations Framework Act' means the Intergovernmental Relations Framework Act 13 of 2005.

'Land' means any erf, plot, stand, farm portion, or agricultural holding and includes any improvement or building on the land, any real right or share in the land and includes land in a Traditional Authority and any physical land and open spaces in the jurisdiction or geographical area of the Municipality.

'Land development' means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme.

'Land use' means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes.

'Land use management' means the process of regulating and managing land use and conferring land use rights using schemes and land development procedures.

'Land use scheme' means the adopted scheme regulations and maps of each region, including the register of amendments to the scheme.

'Local community' or **'community'**, about the Municipality, means that body of persons comprising-

- a) the residents of the Municipality.
- b) the ratepayers of the Municipality.
- c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality;
and
- d) visitors and other people residing outside the Municipality who, because of their presence in the Municipality, make use of services or facilities provided by the Municipality, and includes, more specifically, the poor and other disadvantaged sections of such body of persons.

'Local environmental governance' means environmentally relevant decisions and actions executed in terms of the Municipality's executive and legislative authority.

'Municipal area' means the area of jurisdiction of the Municipality in terms of the Local Government: Municipal Demarcation Act 27 of 1998.

'Municipal environmental officer' means an assigned environmental officer in the sphere of local government as provided for in this By-law.

'Municipal environmental services', for this By-law, includes but are not restricted to-

- a) water quality monitoring.
- b) waste management.
- c) air quality management

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- d) noise control,
- e) control of nuisance relevant to the environment.
- f) pollution control.
- g) sanitation services.
- h) cleansing
- i) safety against environmentally hazardous substances and/or activities.
- j) and any municipal service that depends on the integrity of natural resources such as water courses, soil, or air.

'Municipal service' means a service that the Municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether-

- a) such a service is provided, or to be provided, by the Municipality through an internal mechanism or by engaging an external mechanism such as a contractor;

or

- b) fees, charges, or tariffs are levied in respect of such a service or not.

'National Environmental Management Act' means the National Environmental Management Act 107 of 1998.

'Organ of state' means an organ of state as defined in section 239 of the Constitution.

'Person' includes natural and juristic persons, partnerships, trusts, body corporates, homeowners' associations and organs of state.

'Political office bearer' means the speaker, executive mayor, mayor, deputy mayor or a member of the executive committee of the Municipality as referred to in the Local Government: Municipal Structures Act 117 of 1998 and as per section 1 of the Local Government Municipal Systems Act 32 of 2000.

'Political structure', about the Municipality, means the council of the Municipality or any committee or other collective structure of the Municipality elected, designated or appointed in terms of a specific provision of the Local Government: Municipal Structures Act 117 of 1998 and as per section 1 of the Local Government: Municipal Systems Act 32 of 2000.

'Pollution' means any change in the environment caused by-

- (a) substances;
- (b) radioactive or other waves; or
- (c) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change hurts human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or materials useful to people or will have such an effect in the future;

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'Provincial department' means a department of Province within the Gauteng Provincial Government.

'Public-private partnership' carries the same meaning as defined in the Public Finance Management Act 1 of 1999.

'Regulation' means a regulation made, and includes a notice issued, under this By-law.

'Resident', about the Municipality, means a person who is ordinarily resident in the Municipality.

'Service provider' means a person or institution or any combination of persons and institutions which provide a municipal service as per section 1 of the Local Government: Municipal Systems Act 32 of 2000.

'Subject expert' means a person who has specialised knowledge of or training in a specific area, practice, process, technical method, or piece of equipment and is considered an authority on a certain subject matter.

'Sustainable development' means the integration of social, cultural, economic, and environmental factors into planning, implementation, and decision-making to ensure that development serves present and future generations.

'The Municipality' means the councillors, staff members, and service providers of the Midvaal Local Municipality.

'This By-law' includes any notice issued under the By-law.

'Traditional leadership' or **'traditional authority'** means the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised, or practised by traditional communities as per section 2 of the Traditional Leadership and Governance Framework Act 41 of 2003.

'Waste' means –

- a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in Schedule 3 to the National Environmental Management Waste Act 59 of 2008; or
- b) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the Gazette, but any waste or portion of waste, referred to in paragraphs (a) and (b), ceases to be a waste-
 - i. once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled, or recovered;
 - ii. where approval is not required, once a waste is, or has been re-used, recycled, or recovered;
 - iii. where the Minister has, in terms of section 74 of the National Environmental Management Waste Act 59 of 2008, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or

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- iv. where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.

2. GENERAL APPLICATION AND INTERPRETATION OF THE BY-LAW

- 2.1. The principles and provisions set out in this By-law apply throughout the Midvaal Local Municipality to the activities and decisions of the Municipality that may significantly affect the environment, and:
 - 2.1.1. shall apply alongside all other appropriate and relevant considerations, including the Municipality's responsibility to respect, protect, promote, and fulfil the environmental right in section 24 of the Constitution and the section 152 constitutional objectives to ensure the provision of municipal services in a sustainable manner and to promote a safe and healthy environment.
 - 2.1.2. shall serve to establish the general framework within which the Municipality's environmental management and implementation plans and policies must be formulated.
 - 2.1.3. shall guide the provision of municipal services including municipal environmental services.
 - 2.1.4. shall guide the development and implementation of the Municipality's annual budget, service delivery and budget implementation plan, integrated development plan and planning in the jurisdiction of the Municipality.
 - 2.1.5. shall serve as guidelines by reference to which the local council and staff members of the Municipality must exercise any function when taking any decision in terms of this By-law or any statutory provision applicable to the Municipality; and
 - 2.1.6. shall guide the development, interpretation, administration and implementation of this By-law, and any other policy or policy of the Municipality that concerns the protection or management of the environment.

2.2. GENERAL GOALS

- 2.2.1. To reduce the quantity of polluting substances discharged into the environment;
- 2.2.2. To increase the use of environmentally acceptable materials;
- 2.2.3. To use modern equipment and technology in place of those considered harmful;
- 2.2.4. To minimise the impact of all our activities on our surroundings; To recycle and reduce product whenever possible;
- 2.2.5. To encourage environmental awareness amongst the community;
- 2.2.6. Promote the sustainable management and development of forests for the benefit of all;
- 2.2.7. Create the conditions necessary to restructure forestry in State forests;
- 2.2.8. provide special measures for the protection of certain forests and trees; (d) promote the sustainable use of forests for environmental, economic, educational, recreational, cultural, health and spiritual purposes;
- 2.2.9. Promote community forestry;
- 2.2.10. Promote greater participation in all aspects of forestry and the forest products industry by persons disadvantaged by unfair discrimination.

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- 2.2.11. To protect the environment by providing reasonable measures for-
 - (a) the protection and enhancement of the quality of air;
 - (b) the prevention of air pollution and ecological degradation;
 - (c) securing ecologically sustainable development while promoting justifiable economic and social development; and
 - (d) generally to give effect to section 24(b) of the Constitution to enhance the quality of ambient air for the sake of securing an environment that is not harmful to the health and well-being of people.
- 2.2.12. To ensure water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors—
 - 2.2.12.1. meeting the basic human needs of present and future generations;
 - 2.2.12.2. promoting equitable access to water;
 - 2.2.12.3. redressing the results of past racial and gender discrimination;
 - 2.2.12.4. promoting the efficient, sustainable and beneficial use of water in the public interest;
 - 2.2.12.5. facilitating social and economic development;
 - 2.2.12.6. providing for the growing demand for water use;
 - 2.2.12.7. protecting aquatic and associated ecosystems and their biological diversity;
 - 2.2.12.8. reducing and preventing pollution and degradation of water resources;
 - 2.2.12.9. meeting international obligations;
 - 2.2.12.10. promoting dam safety;
 - 2.2.12.11. managing floods and droughts.

2.3. GENERAL OBJECTIVES

- 2.3.1. Provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which Midvaal Local Municipality can manage and regulate activities:
 - 2.3.1.1. Provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Midvaal Local Municipality can manage and regulate waste management activities.
 - 2.3.1.2. To ensure wise use of non-renewable resources taking account of the interests and needs of present and future generations all environmental impacts related to resource exploitation and the potential for developing alternative sources and technologies with lesser environmental impacts before the resource is exhausted.
 - 2.3.1.3. To promote the conservation of biodiversity through conserving the diversity of landscapes, ecosystems, habitats, biological communities, populations, species, and genes throughout the Midvaal Local Municipality jurisdiction using biological resources sustainably;
 - 2.3.1.4. To ensure that the quantity, quality, and reliability of water required to maintain ecological functions is reserved, so that the human use of water does not individually or cumulatively compromise the long-term sustainability of aquatic and associated ecosystems;
 - 2.3.1.5. To ensure the sustainable use of natural resources in the agricultural economy and sustainable forest development, to promote and encourage sustainable low-input farming systems and to regulate the

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- use of toxic and hazardous chemicals in agriculture to protect human health and environment;
- 2.3.1.6. To prevent, reduce and control pollution of any part of the environment due to all forms of human activity, and from radioactive, toxic and other hazardous substances. To set targets to minimise waste generation and pollution at source and promote a hierarchy of waste management practices, namely the reduction of waste at source, reuse, recycling, and safe disposal as the last resort. To regulate and monitor waste production, enforce waste control measures, and coordinate the administration of integrated pollution control and waste management through a single government department. To set up information systems on chemical hazards and toxic releases and ensure the introduction of a system to track the transport of hazardous materials. To ensure the protection and proactive management of human health problems related to the environment in all forms of economic activity and to promote cleaner production.
- 2.3.1.7. To ensure that the needs and values of affected communities are considered when assessing the impacts of developments and activities on cultural landscapes and sites and to ensure that the development and use of cultural resources in the environment is sustainable and addressed as an integral part of environmental management;
- 2.3.1.8. To integrate environmental education in all programmes, levels, curricula and disciplines of formal and non-formal education, to integrate environmental education into all training and unemployment relief programmes and to enhance environmental literacy through the use of all forms of media, to ensure that environmental education programmes and projects foster a clear understanding of the inter-relationship between economic, social, cultural, environmental and political issues in local, national and global spheres;
- 2.3.1.9. To provide for the management and conservation of biological diversity within the Municipality;
- 2.3.1.10. To provide components of biological diversity;
- 2.3.1.11. To protect the ecosystem as a whole, including species which are not targeted for exploitation;
- 2.3.1.12. To provide for the use of indigenous biological resources in a sustainable manner;
- 2.3.1.13. To provide for the fair and equitable sharing among stakeholders of benefits arising from bioprospecting;
- 2.3.1.14. To involve indigenous biological resources; and
- 2.3.1.15. To ensure that environmental disasters are mitigated or prevented.

2.4. SCOPE OF APPLICATION

- 2.4.1. This By-law must be read with any applicable provisions of the National Environmental Management Act, 107 of 1998, National Forests Act, 1998, National Environmental Management: Air Quality Act, 2004, National Water Act, 1998, National Environmental Management: Biodiversity Act 2004, Disaster Management Act, 2002 and any other relevant Act of Parliament and regulations.

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- 2.4.2. The By-law must also be read in conjunction with the Midvaal Local Municipality's Tree Management Policy, Water Services Policy, Waste Management Policy and any other relevant policy.

CHAPTER 2

3. COOPERATIVE LOCAL ENVIRONMENTAL GOVERNANCE

- 3.1. The Municipality shall aim within its jurisdiction to achieve integrated environmental management as envisioned in the objectives set out in section 23 of the National Environmental Management Act 107 of 1998 through –
- 3.1.1. aligning and coordinating environmentally relevant functions of different line functionaries and divisions in the Municipality;
- 3.1.2. structuring, by the Local Government: Municipal Structures Act 117 of 1998, its internal organisation in a manner that will ensure optimisation of local environmental governance and that allow for integrated and coordinated execution of the Municipality's environmental duties; and
- 3.1.3. ensuring that local environmental governance in the Municipality is aligned with and complements the environmental governance activities of other affected municipalities and other organs of state to give effect to the principles of this By-law, the principles for co-operative government and intergovernmental relations in chapter 3 of the Constitution, and sections 4 and 5 of the Intergovernmental Relations Framework Act 13 of 2005.
- 3.2. The Municipality shall establish an internal environmental coordinating committee to coordinate and integrate local environmental governance within the jurisdiction of the Municipality within a reasonable timeframe after the adoption of this By-law.
- 3.3. The municipal environmental officers established in terms of this By-law must serve on a committee.
- 3.4. The Sedibeng District Municipality must be represented on a committee established in terms of subsection 2.
- 3.5. The Municipality shall participate in national environmental governance activities and programmes and similar efforts in the Gauteng Province and Sedibeng District Municipality, as applicable.

4. ADVISORY COMMITTEES AND THE WARD SYSTEM

- 4.1. In accordance with section 79 of the Local Government: Municipal Structures Act 117 of 1998, the Municipality shall endeavour, as far as possible, to establish one or more advisory committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers related to environmentally relevant decisions and local environmental governance matters.
- 4.2. The Municipality shall co-opt external advisory members as relevant from different sectors, including academia and other experts, to serve on the advisory committee referred to in subsection (1).
- 4.3. An advisory committee established in terms of subsection (1) must consist of at least one member representing the local community and local environmental

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affairs who is not a councillor or a staff member of the Municipality, or the Sedibeng District Municipality, as applicable.

- 4.4. The Municipality shall clearly define and record in writing the functions and powers of the committees referred to in subsection (1) upon the establishment thereof.
- 4.5. The Municipality shall, as far as is reasonably possible, make use of the ward system as provided for in sections 72 to 78 of the Local Government Municipal Structures Act 117 of 1998, to -
 - 4.5.1. facilitate direct contact between the members of the local community and the Municipality concerning local environmental governance affairs;
 - 4.5.2. advance integrated local environmental governance;
 - 4.5.3. disseminate and generate environmental information; and
 - 4.5.4. advance community participation in environmentally relevant decision-making of the Municipality.

5. INTEGRATED DEVELOPMENT PLANNING AND THE ENVIRONMENT

- 5.1. The Municipality shall in its design, implementation, and review of its integrated development plan in terms of Chapter 5 of the Local Government: Municipal Systems Act 32 of 2000 and Section 5(1) of the Spatial Planning and Land Use Management Act 16 of 2013, give due regard to the provisions of this By-law.
- 5.2. The Municipality's integrated development plan shall include all municipal sectorial environmental plans as may be required in terms of all relevant sectorial environmental statutes promulgated by the national government or the relevant provincial government.

CHAPTER 3

6. ENVIRONMENTAL MANAGEMENT GENERAL GUIDING PRINCIPLES

6.1. GENERAL GUIDING PRINCIPLES

- 6.1.1. The national environmental management principles in sections 2(2) to (4) of the National Environmental Management Act 107 of 1998 apply to all activities and decisions of the Municipality.
- 6.1.2. The development principles and norms and standards in sections 6-8 of the Spatial Land Use and Management Act 16 of 2013 apply to all activities and decisions of the Municipality.
- 6.1.3. The Municipality must take reasonable measures to adopt technologically advanced approaches to local environmental governance.
- 6.1.4. The Municipality shall within a reasonable time after the adoption of this By-law amend its existing policies, plans (including its integrated development plan) and implementation strategies, and develop all future documents of this nature, in accordance with the principles in subsections (1) to (3).

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6.2. CRADLE TO GRAVE

- 6.2.1. Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service, or activity exists throughout its life cycle.
- 6.2.2. Responsibility for the environmental, health and safety consequences of a policy, programme, project, product, process, service, or activity exists throughout its life cycle. It starts with conceptualisation and planning and runs through all stages of implementation to reuse, recycling and ultimate disposal of products and waste or decommissioning of installations.
- 6.2.3. In managing resources and environmental impacts, demand management must be considered along with other control measures.
- 6.2.4. There should be equitable access to environmental resources, benefits, and services to meet basic needs and ensure human well-being. Each generation must avoid impairing the ability of future generations to ensure its well-being.
- 6.2.5. Environmental management processes must consider the interests, needs and values of all interested and affected parties in decision-making to secure sustainable development. This includes recognising all forms of knowledge including traditional and ordinary knowledge.
- 6.2.6. Everyone must have access to information to enable them to: protect their health and well-being protect the environment, participate effectively in environmental governance, and comply with environmental By-laws, legislation, and regulation.

6.3. POLLUTER PAYS

- 6.3.1. Those responsible for environmental damage must pay the repair costs both to the environment and human health, and the costs of preventive measures to reduce or prevent further pollution and environmental damage.

6.4. GENERAL DUTY OF CARE

- 6.4.1. Every person must manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
 - 6.4.1.1. Waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste.
 - 6.4.1.2. Waste is reduced, reused, recycled, or recovered.
 - 6.4.1.3. Where waste must be disposed of, the waste is treated and disposed of in an environmentally sound manner, model policy on Waste Management.
- 6.4.2. The waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour, or visual impacts.
- 6.4.3. Any person who is wholly or partially responsible for causing air, water and soil pollution or creating a risk of any pollution occurring must take all reasonable measures including the best practicable environmental option–
 - 6.4.3.1. To prevent any potential significant pollution from occurring; and

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- 6.4.3.2. To mitigate and, as far as reasonably possible, remedy the environmental impacts and consequences of any pollution that has occurred.

6.5. ENVIRONMENTAL RIGHTS

- 6.5.1. Further to sections 24, 26 and 27 of the Constitution, each member of the local community has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures of the Municipality.
- 6.5.2. Each member of the local community furthermore has the right –
- 6.5.2.1. through mechanisms and in accordance with appropriate processes and procedures provided in this By-law or other applicable legislation, to contribute to environmentally relevant decision-making processes of the Municipality; and to submit written or oral recommendations, representations and complaints to the local council, other political structure, a political office bearer or the administration of the Municipality.
- 6.5.2.2. to responses to written or oral communications, including complaints concerning the environment, to the local council or another political structure; or the administration of the Municipality within a reasonable time after submission of such communication.
- 6.5.2.3. to be duly informed of environmentally relevant decisions of the local council, another political structure; or staff member of the Municipality, affecting their rights, property, or reasonable expectations; and
- 6.5.2.4. to access to and regular disclosure of information on the state of the local environment; and
- 6.5.2.5. access to information on local environmental governance affairs in the Municipality.
- 6.5.3. The council of the Municipality has the right to –
- 6.5.3.1. govern on its initiative the local government environmental affairs of the local community as per section 156 of the Constitution; and
- 6.5.3.2. exercise the Municipality's executive and legislative authority in the environmental context.

6.6. ENVIRONMENTAL DUTIES

- 6.6.1. The Municipality must respect, protect, promote, and fulfil the right of each member of the local community to an environment not detrimental to his or her health or well-being by –
- 6.6.1.1. preventing pollution and ecological degradation in the municipal area.
- 6.6.1.2. minimising and avoiding waste.
- 6.6.1.3. promoting conservation of natural resources in the municipal area.
- 6.6.1.4. Continued improvement and progressive greening of the Municipality's governance processes procedures and policies as well as municipal infrastructure.
- 6.6.1.5. securing as part of developmental local government, ecologically sustainable development, and use of natural resources in:
- 6.6.1.5.1. Municipal service delivery.
- 6.6.1.5.2. Municipal budgeting.
- 6.6.1.5.3. Integrated development-planning.

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- 6.6.1.5.4. Municipal by-law making.
- 6.6.1.5.5. Municipal policymaking; and
- 6.6.1.5.6. Environmentally relevant decision-making by the Municipality.
- 6.6.2. The council of the Municipality shall take all reasonable measures to –
 - 6.6.2.1. exercise the Municipality's executive and legislative authority and use the natural resources within the jurisdiction of the Municipality in the best interests of the local community.
 - 6.6.2.2. pursue environmental justice within the community and give all members of the local community equitable access to the municipal services to which they are entitled bearing in mind the rights entrenched in sections 24, 25, 26 and 27 of the Constitution.
 - 6.6.2.3. encourage the involvement of the local community (including traditional communities and traditional leadership) in environmental decision-making.
 - 6.6.2.4. strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner.
 - 6.6.2.5. consult the local community about the level, quality, range, and impact of municipal services provided by the Municipality, either directly or through another service provider; and
- 6.6.3. finance the environmental affairs of the Municipality by-
 - 6.6.3.1. charging fees for environmental services.
 - 6.6.3.2. imposing surcharges on fees, rates on property and other taxes, levies, and duties, to the extent authorised by national and/or provincial legislation including the Local Government: Municipal Property Rates Act 6 of 2004 and the Local Government: Municipal Finance Management Act 56 of 2003.
 - 6.6.3.3. using other applicable sources of funding; and
 - 6.6.3.4. making adequate provision for environmental objectives set out in the Municipality's integrated development plan and other plans as applicable.
- 6.6.4. The Municipality must ensure sustainable use of land within the Municipality through the integration of social, cultural, economic, and environmental considerations in both planning and ongoing land use management.
- 6.6.5. Every person in the Municipality must respect the right of other persons in the municipal area to an environment not detrimental to health or well-being.
- 6.6.6. Every councillor, member of the administration, employee, contractor, and traditional leader in the Municipality is bound by this By-law.

CHAPTER 4

WATER QUANTITY MANAGEMENT, STORMWATER MANAGEMENT

7. WATER MANAGEMENT

7.1. WATER QUANTITY MANAGEMENT

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Midvaal Municipality relies on the number of running rivers across it to supply water to many households. However, we have realised that it is more important for users to ensure the cleanliness of those rivers and encourage citizens to behave positively towards them. It is therefore important that water usage be managed efficiently within available resources.

7.1.1. Overarching Water Management Goal

- 7.1.1.1. Protect and conserve all water resources to ensure access to clean, safe water supply for all, and the maintenance of healthy aquatic ecosystems.

7.1.2. Water Management Objectives

- 7.1.2.1. Conduct community awareness to ensure their positive behaviour towards water and remind them of the importance of water.
- 7.1.2.2. Communicate with relevant stakeholders to provide all households with access to at least minimum safe water services.
- 7.1.2.3. To provide all households with water free of charge.
- 7.1.2.4. To promote water resource conservation and management through the development of a water services development plan.
- 7.1.2.5. To manage water demand to ensure the long-term sustainability of the water resource through the development and implementation of a water demand management strategy.
- 7.1.2.6. Minimise water harvesting by people.
- 7.1.2.7. Water abstraction rights need to be formalised to quantify the demand and ensure that the overall ecological reserve can be maintained within the system.
- 7.1.2.8. Water resources should be optimally used to stimulate the tourism industry and to expand recreation opportunities.

7.1.3. Water Management Prohibitions

- 7.1.3.1. A person may use water in or from a water resource for purposes such as reasonable domestic use, domestic gardening, animal watering, fire-fighting and recreational use, as set out in Schedule 1 of the National Water Act.
- 7.1.3.2. An owner of land, a person in control of land or a person who occupies or used the land on which any activity or process is or was performed or undertaken; or any other situation exists, which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.
- 7.1.3.3. A person may use water in terms of a general authorisation or licence under the National Water Act.
- 7.1.3.4. No person may undertake a controlled activity unless such a person is authorised to do so. The following are controlled activities—
 - (a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork;
 - (b) an activity aimed at the modification of atmospheric precipitation;
 - (c) a power generation activity which alters the flow regime of a water resource;

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- (d) intentional recharging of an aquifer with any waste or water containing waste; and
- (e) an activity which has been declared as such under section 38 of the National Water Act.
- 7.1.3.5. Dumping/ releasing of any type of waste to our rivers and dams including swimming is regarded to be a serious offence that could lead to that person being fined based on the volume of waste disposed and the rate is R100 per kg.
- 7.1.3.6. Business waste should not be disposed to the river, this includes car wash, restaurants and salon drains which must not be tunnelled to our rivers. Committing such behaviour will result in that person being fined.
- 7.1.3.7. Households and business pipe links must be fixed to ensure that water is saved and well consumed and ensure no sewage waste is released into public spaces and river systems.
- 7.1.3.8. Cloth washing on the river is illegal and regarded as a serious offence since this could negatively affect the wildlife species, species that live in water and humans that rely on water for drinking.
- 7.1.3.9. For a person to fish in our rivers, he/she must be in a position of a licence issued by the Department of Forest and Fisheries.
- 7.1.3.10. Dumping of animal carcasses such as goats, dogs, chickens, donkeys, sheep, cows etc is illegal and a fine will be issued to anyone committing such an offence.
- 7.1.3.11. Drainage of swimming pools to our river is not allowed since such water may contain substances that can negatively disturb the biodiversity.
- 7.1.4. **Sources of water.**
 - 7.1.4.1. Rivers
 - 7.1.4.2. Dams
 - 7.1.4.3. Wetlands
 - 7.1.4.4. Tap Water
 - 7.1.4.5. Bore Holes

7.2. STORMWATER MANAGEMENT

7.2.1. Storm Water Management Goals

- 7.2.1.1. To reduce road and building flooding risks
- 7.2.1.2. To reduce water pollution and discharges that cause the death of aquatic species.
- 7.2.1.3. To manage, control and regulate quantity, quality, flow, and velocity of stormwater runoff from any property; may either be developing or fully developed.
- 7.2.1.4. To prevent and mitigate excess stormwater runoff onto a public road which may pose a danger to life or property or both.
- 7.2.1.5. To mitigate and/or prevent degradation of water quality and aquatic habitat.
- 7.2.1.6. To ensure that no sewage waste is released in river systems or public places.

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7.2.2. Storm Water Management Objectives

- 7.2.2.1. To maintain or improve the surface and groundwater quality within the development areas related to the pre-development conditions.
- 7.2.2.2. To maintain the total water cycle balance within the development areas related to the pre-development conditions.
- 7.2.2.3. To maximise the reuse of stormwater.
- 7.2.2.4. To retain natural drainage and system and protect ecosystem health.
- 7.2.2.5. To implement stormwater management systems that are economically viable in the long term.
- 7.2.2.6. To minimise the public risk including risk of injury or loss of life to the community.
- 7.2.2.7. To protect the built environment from flooding and water logging.
- 7.2.2.8. To ensure that social, aesthetic, and cultural values are recognised and maintained when managing stormwater.
- 7.2.2.9. To maintain that all sewage waste treatment facilities are not released into the water/ public space and ensure free water pollution.
- 7.2.2.10. To ensure the delivery of best practice stormwater management through planning and development areas in accordance with sustainability and precautions principles.

7.2.3. Stormwater infrastructure systems

- 7.2.3.1. Subject to the written consent of the Municipality and to any condition which the Municipality may impose, a person may not-
- 7.2.3.1.1. **Cause, discharge or permit to enter the stormwater system–**
 - (a) Any solid, liquid, foul-water, or gaseous substance.
 - (b) Anything other than stormwater
 - (c) Anything which may damage the stormwater system.
 - (d) Anything which may interfere with the operation of the stormwater system; or
 - (e) Anything likely to pollute or contaminate the water in the stormwater system.
 - (f) Obstruct, block, or reduce the capacity of the stormwater system.
 - (g) Open a pipe, culvert or canal which forms part of the stormwater system.
 - (h) Construct or erect any structure over or in such a position or manner as to destroy, damage, endanger, block, or interfere with the stormwater system or operation thereof.
 - (i) Drain, abstract, or divert any water directly from the stormwater system.
 - (j) Fill, excavate, shape, landscape, open or remove the ground above, within, under or immediately next to any part of the stormwater system.
 - (k) Change the design, the use of or modify any feature of the stormwater system which alone or in combination with other existing activities may cause an increase in flood levels or create a potential flood risk.
 - (l) Undertake any activity which alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.
 - (m) Undertake any activity which interferes with existing stormwater system infrastructure.

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- (n) Undertake any activity which will or which in the opinion of the Municipality could impair the effective functioning of the stormwater system.
- (o) Discharge water from a fountain, borehole, well, reservoir or swimming pool into the stormwater system.
- (p) Bridge over or enclose any gutter or stormwater drain which forms part of municipal property.
- (q) Remove manhole covers, grids and other equipment which form part of the stormwater system; and
- (r) Undertake any activity which may result in a potential to increase soil erosion, or which may cause damage to another person's premises.

7.3. WETLAND PRESERVATION

7.3.1. Wetland preservation goal

- 7.3.1.1. It is necessary to increase overall plant and animal diversity via environmentally friendly activities. The main goal is to create a self-sustaining system within limitations and ensure that wetland areas are protected from human activities as required by the constitution of South Africa.

7.3.2. Wetland preservation objectives

- 7.3.2.1. Over-abstraction should be avoided.
- 7.3.2.2. For every new development to be undertaken, an EIA must be done to ensure that our wetlands remain sustained.
- 7.3.2.3. Recognise the rich biodiversity that is encountered within the Midvaal Local Municipality.
- 7.3.2.4. A wetland inventory should be developed for Midvaal Local Municipality.
- 7.3.2.5. Wetland areas, streams, and rivers to be protected rehabilitated, and managed to maintain ecological functioning.
- 7.3.2.6. Areas mainly classified as mountain areas with wetlands must be protected against development and building of houses.

7.3.3. Wetland preservation prohibitions

- 7.3.3.1. No person/ land user shall:
 - 7.3.3.1.1. Utilise vegetation in vlei, marsh or water sponge areas.
 - 7.3.3.1.2. Drain or cultivate any part of vlei, marsh or water sponge areas.
 - 7.3.3.1.3. Conduct activities or discharge substances that may harm the source of water.
- 7.3.3.2. Any person who wishes to use wetlands must have a licence or authorisation from the municipal council or relevant government department.
- 7.3.3.3. Any person who wishes to conduct development, EIA must be done to determine biodiversity baseline status.

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CHAPTER 5

BIODIVERSITY PRESERVATION

8. BIODIVERSITY PRESERVATION

8.1. BIODIVERSITY PRESERVATION GOALS

- 8.1.1. To ensure a consistent approach to biodiversity conservation and sustainable stewardship of resources.
- 8.1.2. To protect, and preserve management of restoration of natural resources.

8.2. BIODIVERSITY PRESERVATION OBJECTIVES

- 8.2.1. To maintain the biodiversity in all its natural facets and fluxes
- 8.2.2. To implement strict restrictions on the export of rare plants and animals.
- 8.2.3. To protect natural habitats.
- 8.2.4. To reduce pollution.
- 8.2.5. To maintain ecological balances
- 8.2.6. To utilise the natural resources sustainably.

8.3. BIODIVERSITY PRESERVATION PROHIBITIONS

- 8.3.1. No person shall:
 - 8.3.1.1. Conduct hunting of Wildlife species without an authorised licence.
 - 8.3.1.2. Collect plants/ trees that are deemed to be endangered
 - 8.3.1.3. Kill livestock animals in public space.
 - 8.3.1.4. Trade or transport alien species or endangered species.

8.4. STANDARDS FOR BIODIVERSITY PRESERVATION:

- 8.4.1. any person who wishes to conduct hunting must have an authorised licence or permit to hunt by the Municipality council or department.
- 8.4.2. trade or transport of endangered or alien species is prohibited by environmental legislation no person should be granted a permit.
- 8.4.3. Requires enclosing and protecting of critical areas and species.
- 8.4.4. The Municipality may in consultation with the Department of Agriculture Forestry and Fisheries and the KZN Department of Economic Development, Tourism and Environmental Affairs and relevant legislation, declare any portion of land as a Bio-Diversity Reserve if its unique natural status will contribute to bio-diversity preservation. Such declaration will be subject to the provisions of the National Bio-Diversity Act, Act 10 of 2004 and the National Forests Act, Act 84 of 1998.
- 8.4.5. The Municipality will announce its intention to declare such a portion of land as a Bio-Diversity Reserve through an advertisement in any local newspaper. It will also place visible notice/s on the proposed site of the reserve for at least thirty days. The Municipality will allow a window period of sixty days from the date of placement of the notices for public comments and objections towards the establishment of the proposed reserve. Department of Agriculture Forestry and Fisheries will hear any objections

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to the establishment of such a reserve and make an appropriate ruling in this regard as per its own defined systems and procedures.

- 8.4.6. If no objections have been received and if all objections have been resolved according to the Municipality will, in addition to the regulations of relevant legislation.
- 8.4.7. The Municipality may fence such reserve off and restrict access to ensure the preservation of the reserve's biodiversity. The reserve may be used for controlled recreation and leisure activities within the guidelines determined by the Directorate of Integrated Environmental Management.
- 8.4.8. Development of recreational facilities and infrastructure in a Bio-Diversity Reserve will be subject to approval from DAFF.
- 8.4.9. The Municipality may furthermore institute a buffer zone, which will be determined through a research and consultative process, around such reserve in which certain restrictions in terms of type and density of developments are established.

8.5. GREENING WITHIN LOW-COST HOUSING PROJECTS

- 8.5.1. All contractors appointed for the development of low-cost housing will plant one tree per house, which will be for the account of the contractor. This requirement will be a standard clause in tender specifications for low-cost housing projects, whether the Municipality, the Provincial or National Department responsible for housing or its duly appointed representative administers such tender process.
- 8.5.2. During the planning phase for low-cost housing projects the following must be ensured:
 - 8.5.2.1. The house should be placed in such a manner to ensure that sufficient outdoor space is available for gardening purposes, which may often include household food gardens.
 - 8.5.2.2. Households should be able to access greywater effluent for gardening purposes.
 - 8.5.2.3. Sidewalks should have a minimum width of 3 meters to allow for the planting of street trees.
 - 8.5.2.4. Landscape development plans will be submitted for each low-cost housing project and its implementation will form part of the total project cost for such project.

8.6. APPLICATION OF BIODIVERSITY PRESERVATION MEASURES

- 8.6.1. These Biodiversity preservation measures are in line with the provisions of the National Environment Management Act: Biodiversity Act, 10 of 2004. This By-law applies to all residents and premises of Midvaal Local Municipality.

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**CHAPTER 6
SOIL MANAGEMENT**

9. APPLICATION OF THE SOIL MANAGEMENT MEASURES

The soil management measures apply to all lands under the jurisdiction of Midvaal Local Municipality.

9.1. SOIL MANAGEMENT GOALS

- 9.1.1. To restore the ecological balance by harnessing, conserving, and developing degraded natural resources such as soil, vegetative cover, and water;
- 9.1.2. The outcomes are the prevention of soil runoff and soil loss.

9.2. SOIL MANAGEMENT OBJECTIVES

- 9.2.1. To dissipate soil and water erosion and surface run-off
- 9.2.2. To enhance soil moisture/water holding capacity.
- 9.2.3. To improve soil health and tilt.

9.3. SOIL MANAGEMENT PROHIBITIONS

- 9.3.1. No person shall fail to comply with the terms or conditions of this By-law.
- 9.3.2. No person shall remove, conceal, or otherwise interfere with a posted Stop Work Order issued under this By-law.
- 9.3.3. Any soil or other material deposited without permission shall be removed from the land by the owner of the land or their agent at the cost. Failure to remove such soil or other material shall constitute an offence under this By-law.
- 9.3.4. No person shall cause the transport or deposit of invasive species during soil management of dirt, dust, and debris.
- 9.3.5. Dirt, dust, debris, and other substances, which are a result of a soil deposit or removal operation shall be contained on site unless specifically approved under the permit.
- 9.3.6. Dirt, dust, debris, and other substances deposited on public roads shall be removed daily by the applicant via means other than washing the material into drainage infrastructure and/ or natural watercourse wetlands.
- 9.3.7. Where the dirt, dust, debris, and other substances cause a hazard they shall be managed or removed as directed by the Municipality.

9.4. SOIL REMOVAL AND DEPOSIT PERFORMANCE STANDARDS

The standards set out in this schedule shall apply to all soil removal and deposit within the Municipality whether a permit is required or issued.

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- 9.4.1. **Best management practices:** Soil removal or deposit shall be conducted by persons responsible to ensure that no hazard to humans or wildlife shall exist within the parcel and to or from the parcel upon which the removal or deposit is occurring.
- 9.4.2. **Other Policies:** Persons responsible and all activity associated with soil removal or deposit shall comply with applicable Municipal laws, bylaws, regulations, and policies in effect during the removal or deposit.
- 9.4.3. **Damage control:** Soil removal or deposit shall not encroach upon, undermine damage, or endanger any drainage facility, natural watercourse, wetland, aquifer, highway or other public or private parcel, or where a permit has been issued, encroach into any non-encroachment area. Persons responsible who, during soil removal or deposit, cause, or allow to be caused, any such damage shall promptly repair the damage to the satisfaction of the municipality.
- 9.4.4. **Debris control:** Persons responsible shall take all necessary measures to contain dust, dirt, mud, or other debris generated by the soil removal or deposit on the parcel.
- 9.4.5. **Road maintenance:** Dirt, mud, or debris deposited on public roads or in roadside ditches from the transfer of soil to or from a parcel shall be removed daily or as deemed necessary by the General Manager.
- 9.4.6. **Waterways:** All drainage facilities, natural watercourses, wetlands, or groundwater aquifers shall be kept free of silt, clay, sand, rubble, debris, gravel, and all other matter or thing originating from any soil removal or deposit which might cause fouling or obstruction to the facilities, watercourses, wetlands, or aquifers.
- 9.4.7. **Washing, crushing, screening:** No person shall use washing, crushing, or screening equipment as part of soil removal or deposit unless the person has obtained applicable regional and/or provincial environmental approvals and the parcel upon which the washing, crushing, or screening equipment is to be located is zoned to permit washing, crushing, or screening uses.
- 9.4.8. **Fencing:** All hazards or potential hazards arising from soil removal or deposit shall be adequately fenced or otherwise made inaccessible to the public or other unauthorized persons or animals, and suitable weather-proof signs shall be mounted and maintained at intervals of not greater than 75 metres around the perimeter of the removal or deposit site with clear, legible wording to indicate any hazard, the nature of the operation, the presence of the excavation and prohibiting the presence of the public or other unauthorized persons.
- 9.4.9. No soil removal or deposit shall be undertaken within 7.5 metres of any right of way or utility easement without first obtaining written consent from the municipality or the authority having jurisdiction over the right-of-way or easement. The General Manager may, at any time, require evidence of such consent.
- 9.4.10. **Organic soil:** Unless prior written approval to do otherwise has been granted by the General Manager, organic soil shall:
 - 9.4.10.1. Not be removed, deposited, or stockpiled when the organic soil is saturated or powdery dry.
 - 9.4.10.2. Be stockpiled at heights not greater than 4.0 metres and beamed with slopes no steeper than 2:1 (Horizontal: Vertical).

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- 9.4.10.3. Be stockpiled so that vegetation cover is established on the stockpile as soon as possible but no later than 30 days after handling and be fertilized and irrigated as required to maintain the vegetation cover.
- 9.4.10.4. Be stockpiled in such a way that always allows weed control, which control can be by mechanical or chemical means.
- 9.4.10.5. Be stockpiled in such a way that prohibits travel upon by any vehicles or heavy machinery.
- 9.4.10.6. Be stockpiled without any mixing of foreign matters, such as hog fuel, gravel, or other organic matters.
- 9.4.10.7. For highly organic soils such as peat, be monitored during dry periods to correct accelerated decomposition and excessive heat build-up; and
- 9.4.10.8. Be stockpiled to allow runoff from the stockpile to be diverted into catchment ponds or silt traps before discharge into natural watercourses or ditches or a three-metre-wide buffer zone may be provided, if approved by the General Manager, along the perimeter of the downslope sides of the stockpile.
- 9.4.11. **Water table:** The removal or deposit shall not result in lowering the effective water table at wells on any other parcel without the written consent of the owner of that parcel. The General Manager may, at any time, require evidence of consent. Furthermore, soil removal or deposit shall not cause the groundwater table to rise on an adjoining parcel or other public or private property to cause flooding or malfunctioning of a septic disposal system or contamination of a well.
- 9.4.12. **Drainage:** The removal or deposit shall not interfere with or impact the established above or below-ground drainage pattern of any adjoining parcel or any other public or private property. Where necessary, measures consistent with good engineering practice will be implemented to ensure that any interference or impact is prevented. The General Manager must approve soil removal or deposition that has the potential to create standing water.
- 9.4.13. **Settlement:** Where the natural subsoil is compressible, there shall be no deposit near any utility or service which might be damaged by any settlement resulting from the deposit without first obtaining written consent from the authority having jurisdiction over the utility or service. The General Manager may, at any time, require evidence of consent.
- 9.4.14. **Invasive species:** Invasive species shall not be transported to or deposited on a soil deposit site.

CHAPTER 7

AIR QUALITY MANAGEMENT

10. AIR QUALITY MANAGEMENT

10.1. AIR QUALITY GOALS

- 10.1.1. To keep an acceptable level of pollutants in the air
- 10.1.2. To limit the number of pollutants emitted by a source, fuel, or a by-product.

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- 10.1.3. Implement a programme of pollution control strategies.

10.2. AIR QUALITY OBJECTIVES

- 10.2.1. To maintain ambient air quality in parts of Midvaal that have high air quality and enhance ambient air quality in places where it has been degraded.
- 10.2.2. To avoid adverse localised effects of contaminant discharges into air on:
- 10.2.2.1. Human health,
- 10.2.2.2. Cultural heritage and amenity values,
- 10.2.2.3. Ecosystems and the plants and animals with them, and
- 10.2.2.4. Life-supporting capacity of air.
- 10.2.3. To allow for the sustainable use of Midvaal's air resources.
- 10.2.4. The Council of Midvaal Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) has made the air quality management by-law hereunder:

10.3. REASONABLE MEASURES TO PREVENT AIR POLLUTION

- 10.3.1. Any person who is partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures including the best practicable environmental option such as:
- 10.3.1.1. To prevent any potential significant air pollution from occurring; and
- 10.3.1.2. To mitigate and, as far as reasonably possible, remedy any significant air pollution that had occurred.
- 10.3.2. Municipality may direct any person who fails to take the measures required under section 18.4(1) to:
- 10.3.2.1. Investigate, evaluate, and assess the impact of specific activities and report thereon,
- 10.3.2.2. take specific reasonable measures before a given date.
- 10.3.3. Diligently continue with measures and complete them before a specified reasonable date.
- 10.3.4. The authorised person may, if a person fails to comply or inadequately complies with a directive contemplated in subsection (2), take reasonable measures to remedy the situation. By means of recovering all reasonable costs incurred as a result of him or her contributing to the air pollution.
- 10.3.5. **The authorised person may, by notice:**
- 10.3.5.1. Identify substances or mixtures of substances in ambient circulating air which, through ambient concentration, bioaccumulation, deposition, or any other way, present a threat to health, well-being, or environment within a municipality or which the air quality officer reasonably believes present such as threat.
- 10.3.5.2. Publish local standards concerning substances or mixtures for emissions from points or sources in the region of the municipality.

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- 10.3.6. The authorised person shall consider the following factors in setting local emission standards:**
- 10.3.6.1. Health, safety, and environmental protection objectives.
 - 10.3.6.2. Technical feasibility
 - 10.3.6.3. Socio-economic consequences.
 - 10.3.6.4. Best environmental practice option; and
 - 10.3.6.5. Monitoring capability.
- 10.3.7. Any person who tends to emit substances and mixtures of substances must comply with local standards published in terms of this By-law.**
- 10.3.7.1. Local air quality standards
 - 10.3.7.2. The authorised person must apply the following methods when identifying and prioritising the substances in circulating air that present a threat to public health, wellbeing, or the environment:
 - 10.3.7.3. The possibility, severity, and frequency of effects on human health and the environment, with irreversible effects being of special concern.
 - 10.3.7.4. Persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains.
 - 10.3.7.5. The impacts of substances considering the following factors:
 - 10.3.7.5.1. Size of the exposed population, living resources and ecosystems.
 - 10.3.7.5.2. The existence of particularly sensitive receptors in the concerned area.
 - 10.3.7.6. Substances that are regulated by international conventions.
 - 10.3.7.7. The authorised person must, using the criteria set out in Section 5 subsection (1), compile a list of substances in ambient air that present a threat to public health, well-being, or the environment.
- 10.3.8. Smoke emissions from households or dwellings**
- 10.3.8.1. No person shall emit or permit the emission of dark smoke from any dwelling for a total period exceeding three minutes during any continuous period of thirty minutes.
 - 10.3.8.2. The owner or occupier of any dwelling may apply for exemption to the municipality and then the municipality may grant a temporary exemption in writing for the provision of exemption.
 - 10.3.8.3. Investigate informal businesses causing smoke pollution.
- 10.3.9. Emission caused by dust, open burning and burning of materials.**
- 10.3.9.1. Open burning
 - 10.3.9.1.1. Any person, who intends to carry out open burning of any material on any land or premises, must apply for prior written authorisation of such open burning to the Municipality.
 - 10.3.9.1.2. Municipality may impose conditions with which the person requesting authorisation must comply.
 - 10.3.9.1.3. Municipality may not authorise open burning) unless it is satisfied that the following requirements have been adequately addressed or fulfilled:
 - 10.3.9.2. The material will be open-burned on the land from which it originated.
 - 10.3.9.3. That person requesting authorisation must have investigated and assessed every possible alternative for reducing, reusing, or recycling the material to

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minimize the amount of material to be open burned, to the satisfaction of the Municipality.

- 10.3.9.4. The person requesting authorisation must have investigated and assessed every reasonable alternative for removing the material from the land or premises to the satisfaction of the Municipality.
- 10.3.9.5. That person requesting authorisation must notify in writing the owners and occupiers of all adjacent properties.
- 10.3.9.6. The person requesting authorisation must have investigated and assessed the impact the open burning will have on the environment to the satisfaction of the municipality.
- 10.3.9.7. Municipality must comply with a warning under section 10(1) (b) of the National Veld and Forest Fire Act, 1998 (Act No.101 of 1998).
- 10.3.9.8. The open burning must be conducted at least 100 metres from any building or structure and burning will not pose a potential hazard to human health or safety, private property, or the environment.
- 10.3.9.9. The provision of this section shall not apply:
 - 10.3.9.9.1. To recreational outdoor braai activities on private property.
 - 10.3.9.9.2. small, controlled fires in settlements for cooking, heating water and other domestic purposes or;
 - 10.3.9.9.3. any other areas or activity to which the municipality has declared this section not to apply

10.3.10. Dust emissions

- 10.3.10.1. Any person conducting activities that produce emissions of dust that may be harmful to public health, and well-being and/or cause irritation shall take control measures to prevent or minimise emissions into the atmosphere.
- 10.3.10.2. Any person who undertakes any activity that causes dust emissions must implement at least one or more of the following control measures:
 - (a) Pave
 - (b) use ground covers.
 - (c) re-vegetation which is adjacent to the disturbed areas
 - (d) erect physical barriers and signs to prohibit access to disturbed areas.
- 10.3.10.3. The control measures must be consistent with the provisions of any applicable legislation.
- 10.3.10.4. The provisions of this section do not apply to:
 - (a) activities at private residences.
 - (b) maintenance on public roads and rights of way.
 - (c) unpaved roads having vehicle traffic of less than 500 vehicles per day; and
 - (d) Any other path that has been designated as an exclusive area for a purpose other than travel by motor vehicle.
- 10.3.10.5. Any contravenes section 8 subsection (1) commits an offence.
- 10.3.10.6. Shall oblige and adopt the best environmental practice to the satisfaction of the authorised person, to prevent and halt dust emissions into the atmosphere that may be harmful to public health and well-being or is likely to irritate person residing or present in the vicinity of such land, activity, or premises.

10.3.11. Emissions Caused by Burning of Industrial Waste, Domestic Waste and Garden Waste in Waste Bins or Skips on Any Land or Premises

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- 10.3.11.1. A person who carries out or permits the burning of any industrial, domestic, or garden waste, on any land or premises, to dispose of that waste, is committing an offence unless the industrial, domestic, or garden waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- 10.3.12. Emissions Caused by Tyre Burning and Burning of Rubber Products and Cables in Open Spaces**
- 10.3.12.1. No person may carry out or permit the burning of any tyres, rubber products, cables, or any other products, on any land or premises for any purpose, to recover the scrap metal or fibre reinforcements, or disposing of tyres, of the rubber products or cables as waste.
- 10.3.12.2. Any person who contravenes section 10 subsection (1) commits an offence.
- 10.3.13. Emissions from compression ignition powered vehicles and power generators**
- 10.3.13.1. No Person may on a public or private road or any premises drive or use, or cause to be used, a compression ignition powered vehicle or power generator that emits dark smoke.
- 10.3.13.2. For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.
- 10.3.14. Pesticide Spraying Emissions**
- 10.3.14.1. No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- 10.3.14.2. A person who carries out the spraying of pesticides, either by tractor or aerial, within the municipal jurisdiction, must comply with the following control measures:
- (a) Obtain a prior written authorisation from the Council, which authorisation may be granted valid for a period of 12 months from the date of issue.
- (b) Notification in writing of all the owners and occupiers of adjacent properties (including surrounding communities) of the treatment area.
- 10.3.14.3. A person may apply to the Council for an exemption if the spraying of the pesticide is for:
- (a) The management of pests that transmit human diseases or adversely impact agriculture or forestry.
- (b) The management of pests that threaten the integrity of sensitive ecosystems; or
- (c) The need for the use of pesticides is urgent.
- 10.3.14.4. The provisions of this section do not apply to:
- (a) Residential areas.
- (b) Buildings or inside buildings and the domestic use of pesticides; or
- 10.3.14.5. Any other defined area or defined activity to which the Council has declared this section not to apply.
- 10.3.15. Application of the Air quality measures**
- 10.3.15.1. The air quality measures must be read with any applicable provisions of the National Environmental Management: Air Quality Act, 2004 and the National Framework.

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- 10.3.15.2. In the event of any conflict with any other policy which directly or indirectly, within the jurisdiction of the municipality, regulates air pollution, the provisions of this By-law shall prevail to the extent of the inconsistency.

10.4. LICENSING OF LISTED ACTIVITIES

10.4.1. The application process

- 10.4.1.1. A person must apply for an atmospheric emission licence by lodging with the licensing authority of the area in which the listed activity is or is to be carried out.

- 10.4.1.2. The Applicant must include the following in their application:

- (a) The pollution being or likely to be caused by the carrying out of the listed activity applied for and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality;
- (b) the best practicable environmental options available that the applicant will take to prevent, control, abate or mitigate that pollution and to protect the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality, from harm as a result of that pollution
- (c) they must state whether they have contravened or failed to comply with any legislation applicable to air quality;
- (d) they must state whether or not they have held a provisional atmospheric emission licence, an atmospheric emission licence or other authority that has been suspended or revoked
- (e) they must also state whether or not they have been a director or senior manager who is or was a director or manager of a company, a juristic person or firm to whom paragraph c or d applies;
- (f) they must state whether or not the management of the listed activity which is the subject of the application will or will not be in the hands of a technically competent person; and

- 10.4.1.3. An application for an atmospheric emission license must consist of the following:

- (a) Two (2) hard copy applications; one electronic version in Word format
- (b) The prescribed processing fee which will be gazetted from time to time.
- (c) Proof of environmental authorisation or any EIA process followed (APPA registration certificate if applicable)
- (d) Latest emission report not more than twelve (12) months, except for facilities that have not yet commenced any activity, who will be expected to submit an Air Quality Impact Report

10.4.2 Variation of licenses

- 10.4.2.1 A licensing authority may, by written notice to the holder of a provisional atmospheric emission licence or an atmospheric emission licence, vary the licence by attaching an additional condition or requirement to the licence; substituting a condition or requirement; removing a condition or requirement; or amending a condition or requirement:

- (a) if it is necessary or desirable to prevent deterioration of ambient air quality;

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- (b) if it is necessary or desirable for achieving ambient air quality standards;
- (c) if it is necessary or desirable to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands;
- (d) at the written request of the holder of the licence;
- (e) if it is transferred to another person; and
- (f) if it is reviewed.

10.4.3 Review of licenses

- 10.4.3.1 The Midvaal Local Municipality will review a provisional atmospheric emission licence or an atmospheric emission licence at intervals specified in the licence, or when circumstances demand that a review is necessary, on payment of the prescribed processing fee.
- 10.4.3.2 The Midvaal Local Municipality shall inform the licence holder and the air quality officer, in writing, of any proposed review, the reason for such review and the cost of the prescribed processing fee.
- 10.4.3.3 For purposes of the review, the air quality officer may require the licence holder to compile and submit an atmospheric impact report.

CHAPTER 8

FOREST MANAGEMENT

11 FOREST MANAGEMENT

11.1. GOALS

- 11.1.1. To develop and manage forests to conserve biological diversity, ecosystems and habitats;
- 11.1.2. sustain the potential yield of their economic, social and environmental benefits;
- 11.1.3. promote the fair distribution of their economic, social, health and environmental benefits;
- 11.1.4. promote their health and vitality;
- 11.1.5. conserve natural resources, especially soil and water;
- 11.1.6. conserve heritage resources and promote aesthetic, cultural and spiritual values; and
- 11.1.7. advance persons or categories of persons disadvantaged by unfair discrimination

11.2. OBJECTIVES

11.2.1. Application of the Forest Management Measures

- 11.2.1.1. The Forest management measures must be read with the provisions of the National Forests Act, 84 of 1998 and the Midvaal Local Municipality Tree Management Policy. The measures apply to all residents and premises of Midvaal Local Municipality.
- 11.2.1.2. The Parks Section will play an advisory and consultative role in tree management.

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11.2.2. Forest Management Measures

No person may—

- (a) cut, disturb, damage or destroy any indigenous tree in a natural forest; or
(b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any tree, or any forest product derived from a tree unless a license has been issued in terms of the National Forests Act.
- (b) cut, disturb, damage or destroy any forest produce in, or remove or receive any forest produce from, a protected area, except— (a) in terms of the rules made for the proper management of the area; (b) in the course of the management of the protected area by the responsible organ of State or person; (c) in terms of a right of servitude; (d) in terms of the authority of a licence granted under section 7(4) or 23 of the National Forests Act; (e) in terms of an exemption under section 7(1)(b)(ii) or 24 of the National Forests Act;
- (c) cut, disturb, damage or destroy any protected tree; or (b) 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 for a protected tree, except— (i) under a licence granted by the Minister; or (ii) in terms of an exemption from the provisions of this subsection published by the Minister in the Gazette on the advice of the Council.
- (d) plant or replace trees unless the undertaking is done in terms of the general guidelines provided in the Tree Management Policy and national legislation.

11.2.3. Allowable use of forests

- 11.2.3.1. Everyone has reasonable access to State forests for purposes of recreation, education, culture or spiritual fulfilment, subject to— (a) the National Forests Act; (b) any conditions determined by the Minister; and (c) restrictions on entry into any area protected for environmental purposes in terms of the National Forests Act or any other law.

11.2.4. Restrictions

- 11.2.4.1. There may be limitations on the number of people allowed in the forest at any one time such as:
- (a) restrictions on the mode of transport in a forest;
 - (b) restrictions to prevent fires;
 - (c) provisions for the closure of forests for specific periods;
 - (d) restrictions to prevent harm to any person or property;
 - (e) restrictions in a plantation to ensure that its proper management for commercial purposes is not frustrated;
 - (f) restrictions in a protected area to ensure that the purposes for which the area was declared as such, are not frustrated.

**CHAPTER 9
12. WASTE MANAGEMENT**

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12.1. GOALS

- 12.1.1. adhering to all national and provincial norms and standards;
- 12.1.2. integrating its waste management plans with its integrated development plans;
- 12.1.3. ensuring access for all to such services;
- 12.1.4. providing such services at an affordable price, in line with its Tariff Policy referred to in Chapter 8 of the Municipal Systems Act;
- 12.1.5. ensuring sustainable services through effective and efficient management;
- 12.1.6. keeping separate financial statements, including a balance sheet of the services provided.

12.2. OBJECTIVES

- 12.2.1. To protect the health, well-being and the environment by providing reasonable measures for—
- 12.2.2. minimising the consumption of natural resources;
- 12.2.3. avoiding and minimising the generation of waste;
- 12.2.4. reducing, re-using, recycling and recovering waste;
- 12.2.5. treating and safely disposing of waste as a last resort
- 12.2.6. preventing pollution and ecological degradation;
- 12.2.7. securing ecologically sustainable development while promoting justifiable economic and social development;
- 12.2.8. to ensure that people are aware of the impact of waste on their health, wellbeing and the environment;
- 12.2.9. promoting and ensuring the effective delivery of waste services
- 12.2.10. remediating land where contamination presents, or may present, a significant risk of harm to health or the environment; and
- 12.2.11. achieving integrated waste management reporting and planning.

12.3. APPLICATION OF THE WASTE MANAGEMENT MEASURES

The waste management measures must be read with the provisions of National Environmental Management: Waste Act, 59 of 2008 and the Midvaal Local Municipality Waste Management Policy and apply to all residents and premises of Midvaal Local Municipality.

12.4. WASTE MANAGEMENT MEASURES

- 12.4.1. No person may import, manufacture, process, sell or export a priority waste or a product that is likely to result in the generation of a priority waste unless that waste or product complies with—
 - (a) the waste management measures;
 - (b) an industrial waste management plan which has been submitted in accordance with the requirements of the National Forests Act;
 - (c) any other requirement in terms of this Act;
- 12.4.2. No person may recycle, recover, treat or dispose of a priority waste unless it is in accordance with the waste management standards and the waste management measures contemplated in the National Forests Act or any applicable law.

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- 12.4.3. A holder of waste must, within the holder's power, take all reasonable measures to—
- (a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;
 - (b) reduce, re-use, recycle and recover waste;
 - (c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;
 - (d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;
 - (e) prevent any employee or any person under his or her supervision from contravening waste management standards; and
 - (f) prevent the waste from being used for any unauthorised purpose.
- 12.4.4. Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.
- 12.4.5. No person may commence, undertake or conduct a waste management activity, except in accordance with—
- (a) the requirements or standards determined for that activity; or
 - (b) a waste management licence issued in respect of that activity, if a licence is required.
- 12.4.6. Any person who stores waste must at least take steps, to ensure that—
- (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
 - (b) adequate measures are taken to prevent accidental spillage or leaking;
 - (c) the waste cannot be blown away;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
 - (e) pollution of the environment and harm to health are prevented.
- 12.4.7. Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality.
- 12.4.8. No person may collect waste for removal from premises unless such person is—
- (a) a municipality or municipal service provider;
 - (b) authorised by law to collect that waste, where authorisation is required; or
 - (c) not prohibited from collecting that waste.
- 12.4.9. Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.
- 12.4.10. Where waste is transported for disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported is authorised to accept such waste.
- 12.4.11. Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported is authorised to accept such waste and must obtain written confirmation that the waste has been accepted.

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- 12.4.12. In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste to offload that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.
- 12.4.13. No person may-
- (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of, in or on any land, waterbody or at any facility unless the disposal of that waste is authorised by law; or
 - (b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and wellbeing
 - (c) unless— the waste was generated as a result of normal household activities and—
 - (d) the municipality does not render a waste collection service in that area; and
 - (e) the most environmentally and economically feasible option for the management of the waste was adopted; or
 - (f) the disposal of the waste was done to protect human life or as a result of an emergency beyond that person's control.
- 12.4.14. An owner of privately owned land to which the general public has access must ensure-
- (a) that sufficient containers or places are provided to contain litter that is discarded by the public; and
 - (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or hurts the environment.
- 12.4.15. No person may-
- (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
 - (b) allow any person under that person's control to do any of the acts contemplated in paragraph (a).

CHAPTER 10

ENVIRONMENTAL COMPLIANCE, ENFORCEMENT AND PROTECTION

13. OFFENCES AND PENALTIES

- 13.1 The Municipality shall impose provisional fines along with non-compliance notices for contraventions. Should upon further inspection, the Municipality discover that there is repetitive non-compliance, the Municipality may impose a final fine which shall be confirmed by the competent body.
- 13.2 The fines stated in Schedule 1 shall be applicable for offences listed in the said schedule which are in contravention of this By-law.

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- 13.3 A staff member of the Midvaal Local Municipality authorised in terms of section 22(8)(6) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), to conduct prosecutions, may institute criminal proceedings and conduct the prosecution in respect of a contravention of or failure to comply with a provision of any by-law or regulation of the Municipality in accordance with section 112 of the Local Government Municipal Systems Act 2000.

14. PROTECTION OF WORKERS

- 14.1. The Municipality shall not compel any employee or service provider to perform work that would result in an imminent and serious threat to the environment.
- 14.2. The Municipality may not dismiss, discipline, prejudice or harass any employee on account of having disclosed any information to applicable authorities if the person in good faith reasonably believed at the time of the disclosure that he or she was disclosing evidence of an environmental risk and the disclosure was made in accordance with section 31 of the National Environmental Management Act 107 of 1998.

15. MUNICIPAL ENVIRONMENTAL OFFICERS

- 15.1. The Municipality shall appoint an appropriate number of municipal environmental officers responsible for environmental monitoring, enforcement, and oversight in the Municipality.
- 15.2. The Municipality shall define the environmental monitoring, enforcement, and oversight duties of every municipal environmental officer.
- 15.3. Municipal environmental officers shall be responsible for the enforcement of this By-law and any other by-laws specified by the Municipality.
- 15.4. The Municipality shall provide as far as reasonably possible, the necessary infrastructure for municipal environmental officers to be able to execute their duties; and
- 15.5. A municipal environmental officer is not precluded from also serving as an environmental management inspector as per sections 31B and 31C of the National Environmental Management Act 107 of 1998, local air quality management officer (section 14 of National Environmental Management Air Quality Act 39 of 2004), or waste management officer (section 10 of the National Environmental Management Waste Act 59 of 2008).
- 15.6. In addition to any other duties, a municipal environmental officer may in writing issue a compliance notice or direct a person to
- (a) cease an activity; or
 - (b) take such steps as the Municipality may deem fit, including the measures listed in section 28 of the National Environmental Management Act 107 of 1998, at the cost of such person.
- 15.7. if, in the opinion of the municipal environmental officer, such a person performs or has performed any activity or fails to perform any activity because of which the environment is or may be seriously damaged, endangered, or detrimentally affected; within a period specified in the directive, to eliminate, reduce, or preventing the damage, danger or detrimental effect.

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- 15.8. An offender in terms of sub-section 6 shall have the opportunity to comment on a directive and be allowed oral representation in the case of an emergency directive.

16. ZERO TOLERANCE IN RESPECT OF CERTAIN CONTRAVENTIONS

- 16.1. Specific contraventions of environmental legislation, and by-laws of the Municipality and this By-law may require greater intervention and stronger enforcement action in different geographical areas within the Municipality, or for certain periods.
- 16.2. The Municipality may periodically declare Priority Contraventions in respect of which a "zero tolerance" approach will be adopted towards contraventions of this By-law or any other environmental law applicable in the jurisdiction of the Municipality.
- 16.3. Once declared a Priority Contravention, the Municipality must adopt a zero-tolerance approach.

17. LEGAL STANDING TO ENFORCE ENVIRONMENTAL BY-LAW

- 17.1. In accordance with section 32 of the National Environmental Management Act 107 of 1998 and section 34 of the Constitution, any community member or other person may seek appropriate relief in respect of any breach or threatened breach of any provision of this By-law.

CHAPTER 11

ENVIRONMENTAL COLLABORATION

18. ENVIRONMENTAL COOPERATION AGREEMENTS

- 18.1. The Municipality may enter into an environmental management cooperation agreement with any person (including service providers), community or other municipality to promote compliance with this By-law.
- 18.2. Environmental management cooperation agreements that the Municipality enter shall comply with the applicable requirements in Chapter 8 of the National Environmental Management Act 107 of 1998 and any relevant regulations.

19. OTHER FORMS OF COLLABORATION

- 19.1. The Municipality shall collaborate with the community and any person if such collaboration will advance the objectives of and duties established in this By-law.
- 19.2. The Municipality may enter public-private partnerships as defined by the Public Finance Management Act 1 of 1999 to advance the objectives of and duties established in this By-law.

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- 19.3. The Municipality may establish local Expanded Public Works Programmes to ensure sustainable service delivery to the local community in a way that protects natural resources and cultural heritage, promotes tourism, and does not impede social and economic development in line with section 23(1) of the Local Government: Municipal Systems Act 32 of 2000.

20. ENVIRONMENTAL INFORMATION AND AWARENESS

- 20.1. Any person who desires to obtain information relating to the implementation of this By-law or any other information concerning environmental affairs and local environmental governance in the jurisdiction of the Municipality shall have access to that information subject to section 32 of the Constitution and the provisions of the Promotion of Access to Information Act 2 of 2002, section 31 of the National Environmental Management Act 107 of 1998 and any other relevant policy or manual of the Municipality.
- 20.2. A person referred to in subsection (1) shall-
- (a) apply to the Municipality in writing indicating the type of information he or she desires to obtain; and
 - (b) if applicable, pay a fee, which may be prescribed by the Municipality in accordance with the applicable national and provincial legislation.
- 20.3. The Municipality shall grant access to the information referred to in this section, on such terms and conditions, as the Municipality may deem necessary.
- 20.4. The Municipality has the power to request any person who holds information relating to the state of the local environment and actual or potential threats to the environment to provide such information, where it is necessary to enable the Municipality to carry out its duties in terms of this By-law.
- 20.5. The Municipality shall, where reasonably possible, -
- (a) Collect sufficient data and gather information on the environment and natural resources within the Municipality's jurisdiction regularly.
 - (b) disseminate through appropriate and accessible means environmental information; through -
 - i. carrying out public information and environmental education campaigns; and
 - ii. collaborative initiatives as envisaged in this By-law.
 - (c) Coordinate the management of environmental information with initiatives of other municipalities, the provincial government and the national government.
 - (d) advise the local council on existing information gaps and needs; and
 - (e) establish guidelines and principles for the gathering, processing, and dissemination of environmental information relevant to the local community and the Municipality.

CHAPTER 12

MISCELLANEOUS

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21. CODE OF ENVIRONMENTAL CONDUCT FOR COUNCILLORS AND MUNICIPAL STAFF MEMBERS

21.1. PREAMBLE

The Municipality should meet the priority needs of the local community by providing services equitably, effectively, and sustainably within the means of the Municipality. In fulfilling this role councillors and staff members of the Municipality must be accountable to the local community and report back regularly to constituencies on municipal matters, including the environmental performance of the Municipality in terms of established indicators for environmental sustainability. To ensure that the Municipality fulfils its environmental obligations and optimises its local environmental governance efforts, the following Code of Environmental Conduct is established.

22. GENERAL CONDUCT OF COUNCILLORS

22.1. A councillor must –

- (a) perform the environmental functions of the office in good faith, honestly, in a transparent manner and with the best interests of the local community and the protection of the environment in mind.
- (b) act always in the best interest of the local community and the protection of the environment in such a way that will not impede environmental sustainability.
- (c) be committed to inclusive and responsive environmental governance.
- (d) seek and use opportunities to receive environmental training; and
- (e) should always respect and protect the legal principles applying to the Municipality's activities and environmentally relevant decisions.

23. INTERVENTION IN ENVIRONMENTAL MANAGEMENT AND ADMINISTRATION

23.1. A councillor may not, except as provided by law-

- (a) interfere in the environmental management or administration of any department or staff member of the Municipality unless mandated by the local council.
- (b) give or purport to give any environmentally relevant instruction to any staff member of the Municipality except when authorised to do so.
- (c) obstruct or attempt to obstruct the implementation of any environmentally relevant decision of the local council or a committee of the Municipality; or
- (d) encourage or participate in any conduct which would cause or contribute to the maladministration of environmental affairs in the jurisdiction of the Municipality or harm to the environment.

24. APPLICATION OF CODE TO TRADITIONAL LEADERS

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24.1. This Code applies to all traditional leaders in their capacity as members of the Council of the Municipality in accordance with section 81 of the Municipal Structures Act 117 of 1998.

25. GENERAL CONDUCT OF MEMBERS OF THE ADMINISTRATION, EMPLOYEES, AND CONTRACTORS OF THE MUNICIPALITY

25.1. Any member of the administration, employee or contract of the Municipality must –

- (a) perform his/her environmentally relevant functions in good faith, honestly, in a transparent manner and with the best interests of the protection of the environment and the local community in mind.
- (b) act always in the best interest of the local community and the protection of the environment in such a way that will not impede environmental sustainability.
- (c) seek and use opportunities to receive environmental training.
- (d) be committed to inclusive and responsive environmental governance and sustainable service delivery.
- (e) be committed to the implementation of the Municipality's environmental policies and By-laws.
- (f) at all times respect and protect the legal principles of environmental management and governance as applicable to the Municipality.
- (g) loyally execute the environmental policies and By-laws of the Municipality.
- (h) perform environmental functions in good faith, diligently, honestly and transparently.
- (i) act in such a way that the spirit, purport and environmental objects of the Constitution and environmental law are upheld; and
- (j) act impartially and treat all members of the local community equally without favour or prejudice in the provision of environmental services and in enforcing environmental laws.

26. SERVING NOTICE

26.1. A notice, order or other documents is regarded as having been properly served if.

- (a) it has been delivered to a person concerned personally.
- (b) it is served on a person not less than 16 years of age and apparently in charge of premises.

26.2. A notice, order or other document which may in terms of this By-law be served on the owner or occupier of premises may be addressed to the "owner" or "the occupier" of the specific premises and need not bear the name of the owner or occupier.

27. SHORT TITLE

27.1. This By-law is called the Midvaal Local Municipality: Environment Management By-law and shall come into operation on the date that it is passed by the Midvaal Local Municipality Council.

28. REPEAL OF LAWS AND INTEGRATION OF BY-LAW

28.1. This By-law repeals any existing framework environmental by-laws of the Municipality, and anything done under a law repealed by this By-law remains valid to the extent that it is not inconsistent with this By-law.

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SCHEDULE 1

OFFENCES AND PENALTIES (ENVIRONMENTAL MANAGEMENT BY-LAW)

contravenes or fails to comply with any provision of this By-law;	R 1500.00
refuses or fails to comply with any notice addressed to him or her in terms of or for this By-law;	R 1500.00
fails or refuses to comply with any instruction given for this By-law	R 1500.00
pretends to be an authorised official	R 1000.00
obstruct, interfere or hinder a <u>designated officer</u> who is exercising a power or carrying out a duty under these By-laws	R 1500.00
fail or refuse to provide a <u>designated officer</u> with a document or information that the <u>person</u> is required to provide under these By-laws	R 1000.00
give false or misleading information to a <u>designated officer</u>	R 1000.00
prevent the owner of any <u>premises</u> , or a <u>person</u> working for that owner, from entering the <u>premises</u> to comply with a requirement of these By-laws;	R 1500.00
falsely alter an authorization to a <u>designated officer</u> or written authorization, compliance notice or compliance certificate issued in terms of this Chapter	R 1000.00
enter any <u>premises</u> without a written authorization in circumstances requiring such authorization	R 1500.00
enter or inspect <u>premises</u> without authority	R 1000.00
disclose any information relating to the financial or business affairs of any <u>person</u> which was acquired in the performance of any function or exercise of any power in terms of this By-law	R 1000.00

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Approved and Signed by:

Director: Waste Management – Community Services

Mr Thabo Mabula



Signature

Date 22/01/2025

Executive Director: Community Services

Ms Thandazile Mnguni



Signature

Date 22/01/2025