

COMPLIANCE WITH SA WATER AND ENVIRONMENTAL REGULATIONS

Farming operations in South Africa are under continued pressure to adhere/conform to the relevant legislative requirements. More than ever before, environmental and water legal risks influence the survival and future planning of farming operations.

THE MAIN LAW(S)



- The overarching environmental legislation regulating farming operations that has an impact on natural resources is the National Environmental Management Act (NEMA, 1998). In our experience, often unbeknown to farming operations, many of their general activities trigger listed activities that require prior environmental authorisation from the relevant provincial departments of environmental affairs.
- The Conservation of Agricultural Resources Act (CARA, 1983) emphasises the control measures that should be implemented for the management of soil, water and vegetation resources to ensure sustainable agriculture. It is mainly implemented by the relevant provincial departments of agriculture.
- The National Water Act (NWA, 1998), which is administered by the Department of Water and Sanitation, regulates all aspects in terms of water uses within the farming context.



WHICH ACTIVITIES APPLY TO MY FARMING OPERATION?

As a general indication, the following activities may trigger relevant provisions of environmental and water legislation, requiring prior authorization from the relevant government departments:



- Construction within a watercourse and/or construction within a regulated area of approximately 500m from the boundary of a wetland or a watercourse (e.g. construction of a bridge/weir/culvert)
- Construction of an earth-wall and/or concrete dam wall for the purposes of storing water (e.g. irrigation/stock watering dams)
- Upgrading/expansion of existing dam infrastructure (e.g. increasing dam capacity/dam wall height)
- Any streamflow reduction activity (e.g. specifically forestry/timber plantations)
- Taking water from a resource (e.g. borehole use/river abstraction for irrigation)
- Discharging of effluent (e.g. effluent from processing facilities/packaging plants/abattoirs/husbandry/feedlots/chicken batteries)
- Clearing/removal of vegetation (e.g. bush clearance for fruit orchards, grain fields, plantations)
- Destruction/transformation of land parcels/farming portions within and/or adjacent to sensitive/protected ecosystems or protected species



WHAT SHOULD I DO?

- An accredited environmental assessment practitioner must conduct an environmental impact assessment before new developments are undertaken.
- Where necessary, consult a law firm, specialising in environmental and agricultural matters during the planning phase of any significant or unusual new development.



Contributors: Llwyn Coertzen (Node Ecology / HCV Africa), Janse Rabie (Agri SA), Subtrop.