

## Environmental Legislation Update

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*Shepstone & Wylie's Environmental and Clean Energy Department advises clients in both the public and private sector on a range of environmental and clean energy issues. Assistance is given to companies in a number of sectors, including mining, industry, waste, water, construction, utilities, transport, forestry and agriculture. Services include environmental compliance audits; due diligence assessments; legal registers; contracts; structured finance; new and pending legislation; compliance notices and directives; permitting and licence requirements; appeals and training.*

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### 1. NATIONAL LEGISLATION

#### 1.1 ACTS / AMENDMENT ACTS

##### **National Heritage Resources Act 25 of 1999**

- *Declaration of ZK Matthews House, Alice, Eastern Cape, The Old Fort, Christian Union Hall, HMS Building (the Old Dining Hall), Start Hall and Freedom Square, part of the Alice Campus of the University of Fort Hare, Alice, Eastern Cape, South Africa as National Heritage Sites.  
(Proc 34, GG40013, 25 May 2015, pg 4)*

##### **Spatial Planning and Land Use Management Act 16 of 2013**

- *Nelson Mandela Bay Metropolitan Municipality: Notice of establishment and commencement of a municipal planning tribunal.  
(Proc 1, GG3676, 30 May 2015, pg 22)*

## 1.2 **NOTICES / REGULATIONS**

### **National Environmental Management Act 107 of 1998**

- Consolidated Environmental Implementation and Management Plan (EIMP) 2015/2020 for the Department of Environmental Affairs.  
(GN530, GG39998, 19 May 2016, pg 4)

### **Customs and Excise Act 91 of 1964**

- Schedule 6 amended  
(GN591, GG40014, 27 May 2016, pg 74)

### **National Water Act 36 of 1998**

- Restrictions on the use of water in terms of paragraph 6(1)(i) of Schedule 3 to the Act for urban and irrigation purposes from the Armenia Dam in the Leeuw River water users association water supply scheme.  
(GN600, GG40021, 27 May 2016, pg 445)

### **Natural Scientific Professions Act 27 of 2003**

- Fee structure for 2016/17 published and BN7 in GG 37419 of 30 January 2015 retracted with effect from 1 April 2016.  
(BN77, GG40021, 27 May 2016, pg 471)

### **National Environmental Management: Biodiversity Act 10 of 2004**

- Non-detriment finding.  
(GN575, GG40021, 27 May 2016, pg 58)

## 1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

## 1.4 **DRAFT LEGISLATION FOR COMMENT**

### **Environmental Management**

- Notice of intention to adopt draft standards for land-based abalone aquaculture.  
(GN503, GG39971, 6 May 2016, pg 9) *Deadline for comment: 6 June 2016*
- Notice of intention to identify activities that may be excluded from the requirement to obtain an environmental authorisation but that must comply with standards for land-based abalone aquaculture.  
(GN504, GG39971, 6 May 2016, pg 10) *Deadline for comment: 6 June 2016*

- Draft amendments to the regulations relating to qualification criteria, training and identification of, and forms to be used by, Environmental Management Inspectors published under GN R494 in GG28869 of 2 June 2006.  
(GN520, GG39985, 13 May 2016, pg 23) *Deadline for comment: 13 June 2016*

### **Agriculture, Forestry & Fisheries**

- Performing Animals Protection Bill, 2015 [B9A-2015] & [B9B-2015]
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## **2. PROVINCIAL LEGISLATION**

### **2.1 EASTERN CAPE**

#### **Disaster Management Act 57 of 2002**

- Extension of the declaration of a provincial state of drought disaster:
  - King Sabata Dalindyebo Local Municipality
  - Mhlontlo Local Municipality
  - Nyandeni Local Municipality
  - Port St Johns Local Municipality
  - Ingquza Hill Local Municipality  
(PN72, PG3659, 2 May 2016, pg 11)
- Extension of the declaration of a local state of drought disaster:
  - Elundini Local Municipality
  - Gariep Local Municipality
  - Maletswai Local Municipality
  - Senqu Local Municipality  
(PN75, PG3663, 6 May 2016, pg 4)
- Extension of the declaration of a local state of organic pollution disaster: Ugie Town in the Elundini Local Municipality.  
(PN76, PG3663, 6 May 2016, pg 5)

#### **Spatial Planning and Land Use Management Act 16 of 2013**

- Agreement for the establishment of the Chris Hani District Municipal Planning Tribunal (CHDMPT) between Intsika Yethu, Engocobo, Emalahleni, Sakhisizwe, Inxuba, Yethemba, Tsolwana and Inkwanca Local Municipalities to receive and dispose of land development and land use applications and the appointment of members.  
(LAN44, PG3665, 9 May 2016, pg 12)

- Notice of integrated zoning scheme regulations published and zoning scheme regulations and the Black Communities Development Act 4 of 1984 repealed insofar as they apply to the Camdeboo Local Municipality area with effect from 1 July 2016. (LAN45, PG3672, 23 May 2016, pg 9)

#### **Nature Conservation Act 10 of 1987**

- Problem Animal Control Ordinance 26 of 1957 and Nature and Environmental Conservation Ordinance 19 of 1974: Hunting season and daily bag limits and hunting by the use of prohibited hunting methods, 2016. (GenN22, PG3676, 30 May 2016, pg 9)
- Hunting Season: Former Ciskei. (GenN22, PG3676, 30 May 2016, pg 14)

## 2.2 **WESTERN CAPE**

#### **Western Cape Land Use Planning Act 3 of 2014**

- *Date of commencement: for sections 22(4), 25, 26, 27, 28(c), and 66(4)(c) of the City of Cape Town, Kannaland Local Municipality and Cape Town Winelands; Central Karoo; Eden; Overberg; and West Coast District Municipalities: 25 April 2016.* (Proc 7, PG7609, 25 April 2016, pg 2)

#### **Sea-Shore Act 21 of 1935**

- Proposal to enter into a lease with Dr Dominic Steven Birch for the construction of a jetty below the high-water mark of the Breede River. (PN140, PG7607, 22 April 2016, pg 634) *Deadline for comment: 23 May 2016*

#### **National Heritage Resources Act 25 of 1999**

- Fees (Heritage Western Cape) regulations published with effect from 22 April 2016. (PN143, PG7608, 21 April 2016, pg 2)

## 2.3 **NORTHERN CAPE**

#### **Spatial Planning and Land use Management Act 16 of 2013**

- Notice of commencement of the review of the Spatial Development Framework (SDF) published with effect from 1 April 2016. (MN17, PG2012, 9 May 2016, pg 18)
- Notice of commencement of the development of the Spatial Development Framework (SDF) published with effect from 1 April 2016. (MN18, PG2013, 16 May 2016, pg 40)

- Agreement for the establishment of a District Municipal Planning Tribunal between Pixley Ka Seme District Municipality:-
  - Ubuntu Local Municipality
  - Renosterberg Local Municipality
  - Thembelihle Local Municipality
  - Siyathemba Local Municipality
  - Umsobomvu Local Municipality
  - Emthanjeni Local Municipality
  - Kareeberg Local Municipality
  - Siyancuma Local Municipality(PN72, PG3659, 2 May 2016, pg 11)

## 2.4 **KWAZULU NATAL**

### **Disaster Management Act 57 of 2002**

- Extension of the declaration of a Kwazulu-Natal provincial state of drought disaster for a period of one month from 11 May 2016 to 10 June 2016.  
(PN92, PG1665, 9 May 2016, pg 4)

## 2.5 **LIMPOPO**

### **Spatial Planning and Land Use Management Act 16 of 2013**

- Agreement on the Modalities for the establishment of the planning tribunal published with the effect from 14 days from date of publication.  
(LAN79, PG2708, 20 May 2016, pg 199)

### **Disaster Management Act 57 of 2002**

- Declaration of disaster areas.  
(PN50, PG2709, 24 May 2016, pg 14)

## 2.6 **NORTH WEST**

### **National Environmental Management: Protected Areas Act 57 of 2003**

- Correction notice: Notice of intention to declare the establishment of new nature reserves: Marico Protected Environment as published under GenNs 36-38 in PG7624 of 11 March 2016 withdrawn and replaced.  
(GenN85, PG7652, 31 May 2016, pg 4)
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### 3. LOCAL LEGISLATION

#### 3.1 KWAZULU-NATAL

##### **Endumeni Local Municipality**

- Refuse removal and disposal by-law
- Storm water Management by-laws.  
(PN53; 56 & 57 PG1672, 19 May 2016, pg 77; 123 & 136)

#### 3.2 EASTERN CAPE

##### **Matatiele Local Municipality**

- Schedule of fines; Environmental by-laws; Nuisance by-laws.  
(PN83; 87 & 94, PG3666, 10 May 2016, pg 47, 83 & 186)

##### **Intsika Yethu Local Municipality**

- Building regulations and building standard by-law, 2015 published and previous by-laws repealed.  
(LAN47, PG3676, 30 May 2016, pg 24)

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***The content of this update is intended for information purposes only and should not be considered as legal advice. While every effort has been made to ensure the comprehensive nature of the information, the list of legislation should not be considered as definitively exhaustive. More information on the laws covered, is available from Shepstone & Wylie's Environmental & Clean Energy Law Departments by contacting –***

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