

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 industries, including mining and resources, utilities, chemicals, steel, agriculture, automotive, waste, storage, building and transport. Issues covered include environmental compliance assessments; due diligence assessments; contracts; structured finance; environmental management systems; new and pending legislation, and permitting and licence requirements.

1. NATIONAL LEGISLATION

1.1. ACTS

National Health Act 61 of 2003

Date of commencement of Sections 36, 37, 38, 39 and 40: 1 April 2014
(Proc N21, GG37501, 31 March 2014, pg 3)

1.2. BILLS, WHITE PAPERS

Protection of Crucial Infrastructure Bill

[PMB2-2-14]
(Gen N144, GG37403, 3 March 2014, pg 3)

1.3. GENERAL / BOARD NOTICES

National Water Act 36 of 1998

Caledon-Modder Subsystem: Limiting the use of water in terms of Item 6 of Schedule 3 of the Act for urban and irrigation purposes from the dams within the Caledon-Modder Subsystem
(Gov N177, GG37421, 14 March 2014, pg 35)

National Health Act 21 of 2007

Establishment of the National Forensic Pathology Services Committee
(Gov NR178, GG37430, 11 March 2014, pg 3)

Astronomy Geographic Advantage Act 21 of 2007

- Declaration of the Karoo Central Astronomy Advantage Areas in terms of the Act (Gen N198, GG37434, 12 March 2014, pg 3)
- Declaration of the Sutherland Central Astronomy Advantage Areas in terms of the Act (Gen, N199, GG37434, 12 March 2014, pg 11)

National Environmental Management: Air Quality Act 39 of 2004

Declaration of temporary asphalt plants as a controlled emitter and establishment of emission standards (Gov N201, GG37461, 28 March 2014, pg 18)

1.4. **RULES, REGULATIONS, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.5. **LEGISLATION FOR COMMENT**

National Environmental Management: Air Quality Act 39 of 2004

- National Pollution Prevention Plans Regulations (Gen N171, GG37421, 14 March 2014, pg 41)
- Declaration of greenhouse gases as priority air pollutants (Gen N172, GG37421, 14 March 2014, pg 43)

2. **PROVINCIAL LEGISLATION**

2.1. **EASTERN CAPE:**

National Environmental Management: Protected Areas Act 57 of 2003

Declaration of nature reserves and protected environment (PN18, PG3144, 17 March 2014, pg 3)

National Environmental Management Act 107 of 1998, the Promotion of Access to Information Act 2 of 2000, the Promotion of Administrative Justice Act 3 of 2000 and the Intergovernmental Relations Framework Act 15 of 2005

Eastern Cape Environmental Implementation Plan (Second Edition) (GN82, PG3150, 26 March 2014, pg 3)

National Environmental Management: Integrated Coastal Management Act 24 of 2008

Eastern Cape Coastal Management Programme (GN83, PG3150, 26 March 2014, pg 3)

2.2. **GAUTENG:**

National Environmental Management: Protected Areas Act 57 of 2003

- Intention to declare the Voortrekker Monument Nature Reserve (GN618, PG52, 5 March 2014, pg 114)

- Intention to declare the Groenkloof Nature Reserve (GN619, PG52, 5 March 2014, pg 114)
- Intention to declare the Klapperkop Nature Reserve (GN620, PG52, 5 March 2014, pg 115)
- Intention to declare the Rietvlei Nature Reserve (GN621, PG52, 5 March 2014, pg 115)
- Intention to declare the Roodeplaat Nature Reserve (GN622, PG52, 5 March 2014, pg 116)
- Intention to declare nature reserves (GN623, PG52, 5 March 2014, pg 117)

2.4 **MPUMALANGA**

National Environmental Management: Protected Areas Act 57 of 2003

Thaba Chweu Local Municipality: Intention to declare De Berg Protected Environment (GN99, PG2279, 28 March 2014, pg 3)

2.5 **NORTH WEST**

Bophuthatswana Nature Conservation Act 3 of 1973, Cape Nature and Environmental Conservation Ordinance 19 of 1974 and the Nature Conservation Ordinance 12 of 1983

North West Hunting Regulations 2014 (GN120, PG7238, 4 March 2014, pg 3)

Land Use Planning Ordinance 15 of 1985

Tsantsabane Local Municipality: The compiling of a Draft Zoning Scheme, Land Development Procedures and Regulations (LUMS) (GN24, PG1786, 10 March 2014, pg 5)

Northern Cape Planning and Development Act 71 of 1998

Tsantsabane Local Municipality: Intention to develop a Spatial Development Framework/Land Development Plan (GN25, PG1786, 10 March 2014, pg 3)

Northern Cape Heritage Resources Authority 9 of 2013

Date of commencement: 1 April 2014 (Proc N6, PG1791, 28 March 2014, pg 9)

2.6 **WESTERN CAPE**

National Environmental Management: Protected Areas Act 57 of 2003

Intention to declare Knersvlakte Nature Reserve (PN88, PG7244, 28 March 2014, pg 672)

3. LOCAL LEGISLATION

3.1. KWAZULU-NATAL

Municipal Systems Act 32 of 2000

Municipality Cemetery, Crematoria and Undertakers By-law
(MN22, PG1121, 28 March 2014, pg 3)

3.2. LIMPOPO:

Makhado Municipality:

- Waste Management By-law
(LAN31, PG2331, 19 March 2014, pg 10)
- Food Handlin By-law
(LAN32, PG2331, 19 March 2014, pg 29)
- Building Regulation By-law
(LAN33, PG2332, 19 March 2014, pg 3)

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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