

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.

1. NATIONAL LEGISLATION

1.1. ACTS / AMENDMENT ACTS

No new items of relevance during this time period.

1.2. NOTICES / REGULATIONS

National Forests Act 84 of 1998

- Declaration of particular trees in particular groups of trees as 'Champion Tree'.
(Gen N1056, GG39379, 6 November 2015, pg 112)
- List of protected tree species.
(Gen N1161, GG39433, 20 November 2015, pg 65)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of the Dwesa-Cwebe Marine Protected Area in terms of Section 22A published and existing Dwesa-Cwebe Marine Protected Area declared in stipulation 2 (7) of GN R1429 in GG 21948 of 29 December 2000 withdrawn with effect from 1 December 2015.
(GN1073, GG39379, 6 November 2015, pg 35)

- Dwesa-Cwebe Marine Protected Area Regulations published with effect from 1 December 2015.
(Gen N1074, GG39379, 6 November 2015, pg 40)

Marine Living Resources Act 18 of 1998

- Regulations published in GN R1111 in GG19205 of 2 September 1998 amended.
(Gen N1090 & 1091, GG39390 & GG39391, 11 November 2015, pg 4 & 4)
- Notice of publication of sector specific policies for the allocation of fishing rights and fees.
(Gen N1127, GG39417, 16 November 2015, pg 4)
- Policy on the allocation and management of commercial fishing rights in the:
 - Large Pelagic Fishery
 - Hake Inshore Trawl Fishery
 - Horse Mackerel Fishery
 - Kwazulu-Natal Sardine Beach Seine Fishery
 - Net fish Fishery
 - Patagonian Tooth fish Fishery
 - West Coast Rock Lobster (Offshore) Fishery
 - Seaweed Fishery
 - West Coast Rock Lobster (Near shore) Fishery
 - Abalone Fishery
 (Gen N1128-1137, GG39417, 16 November 2015, pgs 5, 27, 44, 60, 74, 90, 105, 120, 156 & 171)
- Policy on the allocation and management of rights to operate fish processing establishments 2015.
(Gen N1138, GG39417, 16 November 2015, pg 193)
- Branch: Fisheries Management: Fish processing establishment: Application form: Fishing rights allocation Process (FRAP) 2015/2016.
(Gen N1139, GG39417, 16 November 2015, pg 212)
- Branch: Fisheries Management: Application form for individual applicants: (FRAP) 2015/2016.
(Gen N1140, GG39417, 16 November 2015, pg 235)
- Branch: Fisheries Management: Application form for entity applicants: (FRAP) 2015/2016.
(Gen N1141, GG39417, 16 November 2015, pg 246)
- Fees determined in terms of Section 25 (1) and (2) of the Act.
(Gen N1142, GG39417, 16 November 2015, pg 264)
- Fees determined in terms of Section 25 (1) and (2) of the Act published in GN 1142 in GG 39417 of 16 November 2015 withdrawn and replaced.
(GN1170, GG39451, 25 November 2015, pg 4)

International Trade Administration Act 71 of 2002

- International Trade Administration Commission of South Africa: Amended export control guidelines on the exportation of ferrous and non-ferrous waste and scrap published in GN R714 in GG37992 of 12 September 2014 amended. (Gann R1107, GG39410, 13 November 2015, pg 7)

Spatial Planning and Land Use Management Act 16 of 2013

- Date of commencement of spatial planning and land use management regulations: land use management and general matters, 2015 published under GN1124 in GG39412 of 13 November 2015 replaced. (GN1126, GG 39415, 13 November 2015, p 4)

National Environmental Management Act 107 of 1998

- Regulations pertaining to the financial provision for prospecting, exploration, mining or production operations. (Gen N1147, GG39425, 20 November 2015, pg 4)

Natural Scientific Professions Act 27 of 2003

- Schedule I (Fields of Practice) substituted. (Gen N1167, GG39433, 20 November 2015, pg 79)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

- Draft Carbon Tax Bill, 2015). *Deadline for comment: 15 December 2015*
- Disaster Management Amendment Bill, 2015
Explanatory summary of the Bill published in Government Gazette No. 38419 of 30 January 2015

Forests

- Draft South African criteria, indicators and standards for sustainable forest management, 2015. (Gen N1066, GG39379, 6 November 2015, pg 13) *Deadline for comment: 7 December 2015*

Water

- Proposed revision of the norms and standards in respect of tariffs for water services authorities and bulk water services providers. (Gen N1153, GG39411, 13 November 2015, pg 86) *Deadline for comment: 11 February 2016*



- Proposed revision of the pricing strategy for water use charges in terms of Section 56 (1). (Gen N1154, GG39411, 13 November 2015, pg 134) *Deadline for comment: 11 February 2016*
- Notice of intention to amend general authorisation published in Gann 1199 in GG 32805 of 18 December 2009 published for comment. (Gen N1180, GG39458, 27 November 2015, pg 67) *Deadline for comment: 25 January 2016*

Protected Areas

- Draft notice declaring the Tsitsikamma National Marine protected area under Section 22A. (GN1145, GG39423, 19 November 2015, pg 4) *Deadline for comment: 1 February 2016*
- Draft Tsitsikamma Marine protected area regulations. (GN1146, GG39424, 19 November 2015, pg 4) *Deadline for comment: 1 February 2016*

Biodiversity

- Notice of intention to declare an extension to the Harold Porter National Botanical Garden. (GN1148, GG39426, 20 November 2015, pg 4) *Deadline for comment: 21 December 2015*

Astronomy

- Draft Karoo central astronomy advantage areas spectrum regulations, 2015. (GN1166, GG39442, 23 November 2015, pg 6) *Deadline for comment: 22 January 2016*
 - Draft regulations on administrative matters for the central astronomy advantage areas (radio astronomy), 2015. (GN1166, GG39442, 23 November 2015, pg 19) *Deadline for comment: 22 January 2016*
 - Draft regulations on financial compensation procedures for the central astronomy advantage areas, 2015. (GN1166, GG39442, 23 November 2015, pg 43) *Deadline for comment: 22 January 2016*
 - Draft regulations restricting electromagnetic interference in the Karoo central astronomy advantage area 1, 2015. (GN1166, GG39442, 23 November 2015, pg 51) *Deadline for comment: 22 January 2016*
 - Explanatory memorandum on draft regulations for the protection of the Karoo central astronomy advantage areas. (GN1166, GG39442, 23 November 2015, pg 64) *Deadline for comment: 22 January 2016*
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2. PROVINCIAL LEGISLATION

2.1 LIMPOPO

Disaster Management Act 57 of 2002

- Declaration of Provincial drought disaster.
(Gen N344, PG2630, 13 November 2015, pg 4)

2.2 KWAZULU-NATAL

Kwazulu-Natal Planning and Development Act 6 of 2008

- Delegation of powers as published under MN84 in PG495 of 26 August 2010 amended.
(MN208, PG1549, 12 November 2015, pg 10)

Disaster Management Act 57 of 2002

- Declaration of Kwazulu-Natal Provincial state of disaster.
(PN204, PG1554, 20 November 2015, pg 4)

2.3 NORTH WEST

Disaster Management Act 57 of 2002

- Declaration of a state of drought disaster.
(LAN164, PG7566, 3 November 2015, pg 30)

2.4 EASTERN CAPE

Sea-Shore Act 21 of 1935

- Notice of proposed lease of three sites situated below the high-water mark of the sea near Fish River Sun (Ngqushwa Municipality), Port Alfred and Cannon Rocks (Ndlambe Municipality) for the purposes of constructing pipelines for the disposal of brine to the sea.
(Gen N188, PG3549, 16 November 2015, pg 10) *Deadline for comment: 17 December 2015*

Sea-Shore Act 17 of 1979

- Proposed lease of two sites for the construction and operation of the infrastructure the abstraction of seawater and the discharge of effluent associated with the proposed aquaculture development zone.
(PN177, PG3556, 23 November 2015, pg 10) *Deadline for comment: 23 December 2015*



2.5 **FREE STATE**

National Heritage Resources Act 25 of 1999

- Declaration of provincial heritage sites.
(PN108, PG121, 20 November 2015, pg 2)

2.6 **NORTHERN CAPE**

National Environmental Management Act 107 of 1998

- Environmental Implementation Plan (EIP) (Third Edition, 2015-2020).
(Gen N173, PG1972, 20 November 2015, pg 4)

2.7 **GAUTENG**

Disaster Management Act 57 of 2002

- Declaration of local state of disaster.
(LAN1935, PG526, 25 November 2015, pg 4)

2.8 **WESTERN CAPE**

Sea-Shore Act 21 of 1935

- Proposal to enter into lease for the proposed legislation/construction of various structures below that high-water mark of a tidal river.
(PN397, PG7533, 20 November 2015, pg 2281) *Deadline for comment: 21 December 2015*
- Correction notice to the tariffs for land use planning and application published with effect from the date on which the Western Cape Land Use Planning Act 3 of 2014 comes into operation with respect to Beaufort Municipality.
(PN120, PG7533, 20 November 2015, pg 2285)

National Heritage Resources Act 25 of 1999

- Draft fees (Heritage Western Cape) regulations, 2016.
(PN401, PG7536, 29 November 2015, pg 2) *Deadline for comment: 14 December 2015*
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3. LOCAL LEGISLATION

3.1 KWAZULU-NATAL

KwaDukuza Municipality

- Notice of adoption: planning and land use management by-law, 2015 as published under MN149 in PG1467 of 13 August 2015 published with effect from 13 August 2015. (Gen N50, PG1538, 5 November 2015, pg 4)

Ubuhlebezwe Municipality

- Draft by-laws published:
 - General and Nuisance by-law
 - Informal trading by-law
 - Waste management by-law
 - Storm water by-law
 - Building regulations by-law(Gen Ns 166, 167, 168, 175, 178, PG1541, 5 November 2015, pg 49, 75, 104, 187, 217)

3.2 FREE STATE

Maluti-a-Phofung Local Municipality

- Adoption of by-law on municipal land use planning published and previous by-laws repealed with effect from a date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality. (PN89, PG115, 6 November 2015, pg 2)

Letsemeng Local Municipality

- Notice of adoption and promulgation of:
 - Standard building regulations by-law as published under PN173 of December 2011.
 - Standard control of public nuisances by-law as published under PN178 of December 2011 (PN90, PG115, 6 November 2015, pg 51)

Moqhaka Local Municipality

- By-law on municipal land use planning. (PN134, PG124, 27 November 2015, pg 2)

3.3 NORTHERN CAPE

Phokwane Local Municipality

- By-law on municipal land use planning published. (Gen N162, PG1965, 2 November 2015, pg 4)

Joe Morolong Local Municipality

- Enactment of by-laws: by-law on municipal land use planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the municipality and spatial planning and land use management by-law repealed.
(MN1, GG1967, 9 November 2015, pg 6)

Ga-Segonyana Local Municipality

- Spatial planning and land use management by-law published and various by-laws repealed.
(Gen N166, PG1970, 16 November 2015, pg 4)

Sol Plaatje Local Municipality

- Notice of establishment of a municipal planning tribunal.
(Gen N171, PG1971, 16 November 2015, pg 8)

3.4 **WESTERN CAPE**

Laingsburg Local Municipality

- By-law on municipal land use planning published with effect from the date that the Western Cape Land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality.
(PN369, PG7520, 3 November 2015, pg 2)

Swellendam Local Municipality

- To regulate refuse removal, refuse dumps and solid waste disposal activities; and to provide for matters connected therewith.
(PN47571, PG7527, 13 November 2015, pg 12)

Drakenstein Local Municipality

- By-Law on municipal land use planning. 2015 published with effect from the date that the Western Cape Land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality.
(PN47589, PG7528, 13 November 2015, pg 2)

3.5 **MPUMALANGA**

- By-law on spatial planning and land use management:
 - Emakhazeni Local Municipality
 - Dr JS Moroka Local Municipality
 - Thembisile Hani Local Municipality
(PNs 85-87, PG2610, 23 November 2015, pg 67, 126 & 186)



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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