

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

Department of Agriculture, Forestry and Fisheries

- Procedures for the application, administration and allocation of export permits under the Trade, Development and Co-operation Agreement between the European Union and the Republic of South Africa for the year 2016.
(GN929, GG39275, 9 October 2015, pg 14)

National Water Act 36 of 1998

- Declaration of the exploration and/or production of onshore naturally occurring hydrocarbons that require stimulation, including but not limited to hydraulic fracturing and/or underground gasification, to extract, and any activity incidental thereto that may impact detrimentally on the water resource as a controlled activity in terms of Section 38(1) and schedule of all controlled activities in terms of Section 38(4).
(GN999, GG39299, 16 October 2015, pg 67)



National Environmental Management Act 107 of 1998

- Environmental Impact Assessment Guideline for Renewable Energy Projects. (Gen N989, GG39297, 16 October 2015, pg 4)

Promotion of Access to Information Act 2 of 2000

- Department of Water and Sanitation: Section 14 manual published. (Gen N1, GG39330, 27 October 2015, pg 3)

World Heritage Convention Act 49 of 1999

- Format and procedure for the nomination of the world heritage sites in the Republic of South Africa. (Gen N1033, GG39347, 30 October 2015, pg 15)

International Trade Administration Commission of South Africa

- Export control notice published in GN R92 in GG 35007 of 10 February 2012 amended. (GN R1043, GG39348, 30 October 2015, pg 7)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Environmental Management Laws

- Draft National Environmental Management Laws Amendment Bill, 2015. (Gen N986, GG39287, 13 October 2015, pg 4) *Deadline for comment: 12 November 2015*

Water

- Draft regulations on afforestation genus exchanges. (Gen N1027, GG39324, 23 October 2015, pg 177) *Deadline for comment: 22 December 2015*
- Draft regulations relating to access and use of government waterworks and surrounding state-owned land for recreational purposes. (Gen N1046, GG39348, 30 October 2015, pg 39). *Deadline for comment: 29 December 2015*

Environmental Management

- Draft National Social Infrastructure Guideline. (Gen N1008, GG39324, 23 October 2015, pg 130) *Deadline for comment: 23 November 2015*

- Proposed amendments to the Environmental Impact Assessment Regulations, 2014 and listening notices 1, 2 and 3 of 2014.
(Gen N1030, GG39343, 30 October 2015, pg 4) *Deadline for comment: 30 November 2015*

Integrated Coastal Management

- Notice of publication for comment of draft Durban Bay and Orange River Mouth estuarine management plans (EMPs).
(Gen N1034, GG39347, 30 October 2015, pg 31) *Deadline for comment: 30 November 2015*

Biodiversity

- Proposed biodiversity economy strategy (BES) for the Department of Environmental Affairs.
(Gen N965, GG39268, 9 October 2015, pg 4) *Deadline for comment: 9 November 2015*

2. PROVINCIAL LEGISLATION

2.1 LIMPOPO

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare below land parcels as nature reserves, published for comment:
 - Swebeswebe
 - Haenertsburg
 - Mphaphuli
(PNs 65 & 66, PG2609, 2 October 2015, pg 16 & 18) *Deadline for comment: 2 December 2015*

2.2 KWAZULU-NATAL

Spatial Planning and Land Use Management Act 16 of 2013

- Delegations in terms of section 56 of the spatial planning and land use management regulations, 2015.
(MN192, PG1517, 9 October 2015, pg 4)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of protected environment: Beacon Hill Protected Environment.
(Proc3, PG1518, 9 October 2015, pg 4)
- Declaration of nature reserves:
 - Beaumont Nature Reserve
 - Bosch Berg Nature Reserve
(Proc4 & 5, PG1518, 9 October 2015, pgs 7 & 10)



- Kwazulu-Natal Nature Conservation Board: Declaration of:-
 - Ambit Private Game Reserve
 - uMngeni Plateau Nature Reserve
 - Red Desert Nature Reserve
 - Thanda Private Game Reserve
 - Roosfontein Nature Reserve
 - Zululand Rhino Reserve
 - Dargle Nature Reserve
 - Mduna Royal Game Reserve
 - James Wakelin Grassland Nature Reserve
 - Hawaan Forest Estate Nature Reserve
 - Fort Nottingham Nature Reserve(Procs 6-16, PG1522, 9 October 2015, pgs4, 11, 15, 18, 23, 26, 32, 37, 43, 47 & 51)

Kwazulu-Natal Heritage Act 4 of 2008

- Invitation for the nomination of persons to be appointed to the Amafa AkwaZulu-Natal Heritage Council.
(PNs154 & 155, PG1526, 15 October 2015, pg 4 & 5)

2.3 **NORTHERN CAPE**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of establishment of the Pixley ka Seme district municipal planning tribunal.
(Gen N144, PG1959, 5 October 2015, pg 7)

2.4 **WESTERN CAPE**

National Environmental Management Act 107 of 1998

- Western Cape Environmental Implementation Plan 2015-2020.
(PN332, PG7502, 2 October 2015, pg 2)

Western Cape Land Use Planning Act 3 of 2014

- Date of commencement for the Beaufort West, Cape Agulhas, Hessequa, Langeberg and Saldanha Bay Municipalities: 7 October 2015.
(Proc18, PG7509, 7 October 2015, pg 2)

National Heritage Resources Act 25 of 1999

- Regulations (Heritage Western Cape) on the process for publication of statements of general policy and conservation management plans, 2015. Provincial notice 324/2015, published in *provincial gazette extraordinary* 7497 of 24 September 2015, is published for general information and not for comment.
(PN347, PG7510, 16 October 2015, pg 2080)



- Formal Protection of Archaeological Sites, Landscape and Natural Features Of Cultural Significance, Structures and Unmarked Burials, situated on or at "Elandsberg Nature Reserve" including the Bosplaas Werf, the Bartholomeus Klip Werf and the Graveyard to the South of the Werf, situated on the Remainder of Farm 1749, together with those portions of portion 1 of farm 1749, Paarl Provincial notice 326/2015, published in *provincial gazette extraordinary* 7497 of 24 September 2015, is published for general information and not for comment. (PN352, PG7510, 16 October 2015, pg 2080)

2.5 **FREE STATE**

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare various properties as part of the Ingula Nature Reserve. (PN74, PG103, 16 October 2015, pg 2) *Deadline for comment: 16 December 2015*

2.6 **NORTH WEST**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of agreement to establish a joint municipal planning tribunal with Moses Kotane; Kgetlengrivier; and Moretele Local Municipalities. (LAN153, PG7555, 13 October 2015, pg 4)

2.7 **EASTERN CAPE**

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of attached farm schedule as nature reserves:
 - Ka'ingo Nature Reserve
 - Nungu Nature Reserve(PNs 70 & 71, PG2616, 23 October 2015, pg 17 & 20)

3. LOCAL LEGISLATION

3.1 **LIMPOPO**

Sekhukhune District Municipality

- Public and environmental health by-laws, published and previous by-laws repealed. (Gen N332, PG2612, 6 October 2015, pg 4)



3.2 **KWAZULU-NATAL**

Newcastle Municipality

- Planning and land use management by-law, 2015 published with effect from date to be determined by the Municipal Manager by notice in the Gazette.
(MN193, PG1517, 9 October 2015, pg 14)

eThekweni Metropolitan Municipality

- Beaches by-law, 2015 published and various by-laws repealed with effect from six months from the date of publication or such earlier date as may be determined by the publication of a commencement notice.
(MN195, PG1523, 12 October 2015, pg 4)
- Parks and recreational grounds by-law, 2015, published and various by-laws repealed with effect from six months from the date of publication or such earlier date as may be determined by the publication of a commencement notice.
(MN197, PG1524, 12 October 2015, pg 5)

3.3 **FREE STATE**

Setsoto Local Municipality

- Adoption of the 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 comes into operation in the municipal area of the Municipality.
(PG108, 23 October 2015, pg 3)

3.4 **NORTHERN CAPE**

- By-law on municipal land use planning published and various by-laws repealed in the under mentioned Municipalities:-
 - Kai! Garib Municipality
 - Kamiesberg Municipality
 - Mier Municipality
 - Siyancuma Municipality
 - Renosterberg Local Municipality
 - !Kheis Municipality
 - Kareeberg Municipality
 - Kgatelopele Municipality
 - Karoo Hoogland Municipality: Nama Khoi by-law
 - Khai – Ma Local Municipality
- (Gen Ns 146-155, PG1961, 19 October 2015, pg 6, 49, 91, 136, 178, 220, 264,308, 361, 405)



3.5 **WESTERN CAPE**

Stellenbosch Municipality

- Land use planning by-law 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 and various by-laws repeals.
(PN354, PG7512, 20 October 2015, pg 2)

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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