

Environmental Legislation Update

1st April 2016 – 30th April 2016
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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

Disaster Management Amendment Act 16 of 2015

- *Date of commencement: 1 May 2016.
(Proc 24, GG39943, 22 April 2016, pg 11)*

Amends Sections 1, 5 10, 13, 15, 22, 23, 24, 25, 37, 38, 39, 43, 51, 52, 53 & 59; substitutes the long title, Sections 8 & 11 and the heading to Part 3 of Chapter 5; and inserts Sections 31A & 45A in the Disaster Management Act 57 of 2002.

1.2 NOTICES / REGULATIONS

National Environmental Management: Protected Areas Act 57 of 2003

- *Declaration of land as the Mountain Zebra-Camdeboo Protected Environment.
(Proc 14, GG39891, 1 April 2016, pg 4)*
- *Mountain Zebra-Camdeboo Protected Environment Regulations.
(Proc 15, GG39891, 1 April 2016, pg 28)*

National Environmental Management: Biodiversity Act 10 of 2004

- Biodiversity management plan for the Clanwilliam Sandfish *Labeo seeberi*. (GN406, GG39899, 1 April 2016, pg 4)

Promotion of Access to Information Act 2 of 2000

- Description submitted in terms of Section 15(1) by the Department of Environmental Affairs (GN435, GG39922, 15 April 2016, pg 96)

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act 36 of 2013

- Rate of levy for 2014 tax period and payment date determined in terms of Section 3 of the Act. (GN222, GG39922, 15 April 2016, pg 134)

Electricity Regulation Act 4 of 2006

- Determination published under Section 34(1). (GN454, GG39940, 20 April 2016, pg 4)

National Water Act 36 of 1998

- Limitation of the use of water in terms of item 6 of Schedule 3 to the Act for irrigation and urban purposes from the Mkhombo/Rhenosterkop Dam, the Ohrigstad Dam and the Buffelskloof Dam catchments in Mpumalanga Province. (GN465, GG39943, 22 April 2016, pg 544)
- Classes and resources quality objectives of water resources for the following:
 - Olifants Catchment
 - Olifants-Doorn Catchment
 - Catchment of the Upper Vaal
 - Catchment of the Middle Vaal
 - Catchment of the Lower Vaal(GN466 - 470, GG39943, 22 April 2016, pg 546; 600; 618; 653; 721)
- Restriction on the use of water in terms of paragraph 6 (1) (i) of Schedule 3 to the Act for domestic, industrial and agricultural purposes in the Mzimbuvu-Tsitsikamma water management area (WMA 7) in the Easter Cape Province published with effect from 1 February 2016. (GN496, GG39963, 29 April 2016, pg 14)

1.3 RULES, GUIDELINES & POLICIES

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Biodiversity

- Draft biodiversity management plan for Hartbeesspruit Ecosystem.
(GN427, GG39922, 15 April 2016, pg 24) *Deadline for comment: 16 May 2016*

Indigenous Knowledge Systems

- Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, 2015, notice of intention to introduce, explanatory summary and draft bill into Parliament
(GenN199, GG39910, 8 April 2016, pg 39) *Deadline for comment:*

Astronomy

- Amendments to and extension of comment period on proposed regulations on the protection of the Karoo Central Astronomy Advantage Areas originally published for comment in GN 1166 in GG 39442 of 23 November 2015 published as follows:
 - Draft Karoo Central astronomy advantage areas spectrum regulations.
(Schedule A to GN453, GG39939, 20 April 2016, pg 6) *Deadline for comment: 20 June 2016*
 - Draft regulations on administration matters for the central astronomy advantage areas (Radio Astronomy).
(Schedule B to GN453, GG39939, 20 April 2016, pg 19) *Deadline for comment: 20 June 2016*
 - Draft regulations on financial compensation procedures for the central astronomy advantage areas.
(Schedule C to GN453, GG39939, 20 April 2016, pg 43) *Deadline for comment: 20 June 2016*
 - Draft regulations restricting electromagnetic interference in the Karoo Central astronomy advantage area.
(Schedule D to GN453, GG39939, 20 April 2016, pg 51) *Deadline for comment: 20 June 2016*
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2. PROVINCIAL LEGISLATION

2.1 **EASTERN CAPE**

Disaster Management Act 57 of 2002

- Extension of the declaration of a local state of drought disaster:
 - Elundini Local Municipality
 - Gariep Local Municipality
 - Maletswai Local Municipality
 - Senqu Local Municipality
(PN57, PG3648, 8 April 2016, pg 4)



- Extension of the declaration of a local state of organic pollution disaster: Ugie Town in the Elundini Local Municipality area.
(PN58, PG3648, 8 April 2016, pg 5)
- Declaration of Provincial state of drought disaster:
 - Amathole District Municipality
 - Alfred Nzo District Municipality
 - Chris Hani District Municipality
 - Joe Gqabi District Municipality
 - OR Tambo District Municipality
(PN70, PG3656, 22 April 2016, pg 4)
- 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
(PN71, PG3657, 25 April 2016, pg 10)

2.2 **WESTERN CAPE**

National Heritage Resources Act 25 of 1999

- Provisional protection of heritage resources as provincial heritage: 'Farm Vogelstruiskraal 237' in Cape Agulhas.
(PN102, PG7594, 8 April 2016, pg 575)

2.3 **GAUTENG**

City of Johannesburg

- Notice of intention to amend the Treated Effluent Water Advertising by-law.
(LAN579, PG136, 14 April 2016, pg 4) *Deadline for comment: 31 May 2016*

Nature Conservation Ordinance

- Nature Conservation Ordinance 12 of 1983: Open Season: Ordinary game.
(GenN535, PG144, 19 April 2016, pg 4)

2.4 **NORTHERN CAPE**

Disaster Management Act 57 of 2002

- Extension of the declaration of a Northern Cape provincial state of drought disaster for a period of one month from 18 March 2016 to 17 April 2016.
(GenN31, PG2005, 15 April 2016, pg 4)

Spatial Planning and Land Use Management Act 16 of 2013

- Commencement of the district municipal planning tribunal for the John Taolo Gaetsewe district.
(MN7, PG2007, 25 April 2016, pg 11)

2.5 **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 April 2016 to 10 May 2016.
(PN81, PG1651, 8 April 2016, pg 4)

Spatial Planning and Land Use Management Act 16 of 2013

- Agreement to establish a joint municipal planning tribunal between:
 - Maphumulo Local Municipality
 - Mandeni Local Municipality
 - Ndwedwe Local Municipality
(MN45, PG1652, 8 April 2016, pg 9)

National Environmental Management Act 107 of 1998 and Environmental Management Framework Regulations 2010

- Adoption of the environmental management framework for the Richards Bay Industrial Zone and Port Expansion.
(PN10, PG1654, 14 April 2016, pg 22)

2.6 **FREE STATE**

National Heritage Resources Act 25 of 1999

- Declaration of Provincial Heritage Sites:
 - Namoha Battle Site
 - Witsie's Cave
 - Mantsopa's Cave
 - Nkoe/Sefate/Poqong
(PN5, PG3, 8 April 2016, pg 2)

2.7 **MPUMALANGA**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of commencement of the Gert Sibande District Joint Municipal Planning Tribunal.
(PN32, PG2681, 15 April 2016, pg 4)

- Agreement for the establishment of a district municipal planning tribunal between:
 - Nkangala District Municipality
 - Victor Khanye Local Municipality
 - Dr JS Moroka Local Municipality
 - Emakhazeni Local Municipality
 - Thembisile Hani Local Municipality(LAN35, PG2683, 22 April 2016, pg 93)
 - Notice of commencement of the Nkangala District Joint Municipal Planning Tribunal.
(PN35, PG2683, 22 April 2016, pg 104)
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3. LOCAL LEGISLATION

3.1 KWAZULU-NATAL

uMlalazi Local Municipality

- Planning and land use management by-law.
(PN86, PG1656, 15 April 2016, pg 4)

3.2 WESTERN CAPE

Mossel Bay Local Municipality

- Amendment notice to the water services by-law as published under LAN 50058 in PG 7037 of 28 September 2012.
(PN135, PG7603, 15 April 2016, pg 2)

Cederberg 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.
(PN137, PG7604, 15 April 2016, pg 2)

3.3 NORTHERN CAPE

Magareng Local Municipality

- By-law on municipal land use planning.
(GenN30, PG2004, 11 April 2016, pg 10)



3.4 **MPUMALANGA**

- By-law on spatial planning and land use management on the following local municipalities:
 - Chief Albert Luthuli
 - Dipaleseng
 - Dr Pixley Ka Isaka Seme
 - Lekwa
 - Mkhondo
 - Msukaligwa
- (Proc 8, PG2683, 22 April 2016, pg 15)

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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