

## 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

No new items of relevance during this time period.

#### 1.2 NOTICES / REGULATIONS

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

- Identification of the Minister as competent authority for the consideration and processing of environmental authorisations and amendments thereto for activities related to the integrated resource plan (IRP) 2010-2030.  
(GN779, GG40110, 1 July 2016, pg 25)
- Section 24H registration authority regulation, 2016 published with effect from the date of the appointment of the first registration authority, except for Regulation 14 which takes effect 24 months from the date of the appointment of the first registration authority.  
(GN849, GG40154, 22 July 2016, pg 41)

##### **Promotion of Access to Information Act 20 of 2000**

- Department of water and sanitation: Section 14 manual.  
(GN792, GG40116, 1 July 2016, pg 118)

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

- Rules published in *GN1874 in GG16860 of 8 December 1995 (DAR/158)* amended with effect from 24 February 2016.  
(GN818, GG40128, 8 July 2016, pg 17)
- Schedule 1 amended.  
(GN820, GG40128, 8 July 2016, pg 65)

### **National Environmental Management: Integrated Coastal Management Act 24 of 2008**

- Integrated coastal management appeal regulations.  
(GN815, GG40128, 8 July 2016, pg 9)

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

- Alien and invasive species lists, 2016 published and any Alien and invasive species lists published under the Act including GN R599 in GG 37886 of 1 August 2014 and GN Rs 507-509 in GG 36683 of 19 July 2013 repealed and replaced with effect from 60 days from date of publication in the Gazette.  
(GN864 GG40166, 29 July 2016, pg 31)

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

No new items of relevance during this time period.

## 1.4 **DRAFT LEGISLATION FOR COMMENT**

### **Environmental Management**

- Draft generic environmental management programme (EMPR) published for comment.  
(GN778, GG40110, 1 July 2016, pg 23) *Deadline for comment: 1 August 2016*

### **Water**

- Notice of intention to publish draft sustainable hydropower generation policy for comment.  
(GenN400, GG40125, 8 July 2016, pg 114) *Deadline for comment: 8 September 2016*
- Draft sustainable hydropower generation policy.  
(GenN436, GG40140, 15 July 2016, pg 211) *Deadline for comment: 15 September 2016*
- Notice of proposed Mzimvubu Water Project and the environmental impact assessment relating thereto.  
(GN856, GG40154, 22 July 2016, pg 84) *Deadline for comment: 29 September 2016*

## Forests

- National Forest Amendment Bill, 2015, publication of explanatory summary. (GN827, GG40140, 15 July 2016, pg 19)

## Biodiversity

- Request for communities or individuals with traditional knowledge associated with the use of *Xeroderris stuhlmanni* and *Pseudolachnostylis maprouneifolia* to provide their details together with evidence. (GenN470, GG40173, 29 July 2016, pg 4) *Deadline for comment: 1 September 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 drought disaster. (LAN61567, PG7654, 22 July 2016, pg 1047)

### 2.2 WESTERN CAPE

#### **National Environmental Management: Integrated Coastal Management Act 24 of 2008**

- Call for comments on the draft Breede River Estuarine Management Plan (EMP). (PN288, PG7653, 20 July 2016, pg 2) *Deadline for comment: 19 August 2016*

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

- Extension of the declaration of a local state of organic pollution disaster: Ugie Town in the Elundini Local Municipality. (PN163, PG3707, 15 July 2016, pg 4)

### 2.3 NORTHERN CAPE

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

- Notice of commencement of operation for the District Municipal Planning Tribunal. (MN37, PG2030, 25 July 2016, pg 33)



## 2.4 **KWAZULU NATAL**

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

- Intention to declare various areas as reserves:
    - Burman Bush Nature Reserve
    - Empisini Nature Reserve
    - Marian Wood Nature Reserve
    - New Germany Nature Reserve
    - Paradise Valley Nature Reserve
    - Pigeon Valley Nature Reserve
    - Silverglen Nature Reserve
    - Springfield Nature Reserve
    - Virginia Bush Nature Reserve
    - Giba Gorge Nature Reserve
- (MN100, PG1699, 7 July 2016, pg 126) *Deadline for comment: 5 September 2016*

### **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 July 2016 to 10 August 2016.  
(PN129, PG1700, 7 July 2016, pg 4)

## 2.5 **NORTH WEST**

### **North West Tourism Board**

- *Amendment notices of commencement date for the North West Parks Board Act 3 of 2015 as published under GenN 222 in PG 7446 of 14 May 2015 and North West Tourism Board Act 2 of 2015 as published under GenN208 in PG 7447 of 14 May 2015.*  
(Proc33 & 34, PG7671, 19 July 2016, pg 53 & 54)

## 2.6 **FREE STATE**

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

- Declaration of protected environment: Sneeuwberg Protected Environment.  
(PN160, PG50, 29 July 2016, pg 2)

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## **3. LOCAL LEGISLATION**

### 3.1 **MPUMALANGA**

#### **Emakhazeni Local Municipality**

- By-laws on waste management published and previous repealed.  
(LAN61, PG2708, 1 July 2016, pg 164)

- Highlands heritage resources and cultural institutions by-laws and nuisances and offensive conditions by-laws published and previous by-laws repealed with effect from a date determined by the Council.  
(LAN63 & 37, PG2708, 1 July 2016, pg 265 & 353)
- By-laws on waste management published and previous repealed.  
(LAN66, PG2708, 1 July 2016, pg 313)

### **Mbombela Local Municipality**

- *Solid waste management by-laws published with effect from a date determined by the Municipality in the Provincial Gazette.*  
(Proc24, PG2714, 22 July 2016, pg 54)

## 3.2 **EASTERN CAPE**

### **Buffalo City Metropolitan Municipality**

- By-law on spatial planning and land use management.  
(LAN62, PG3709, 18 July 2016, pg 15)

## 3.3 **LIMPOPO**

### **Elias Motsoaledi Local Municipality**

- *Spatial planning and land use management by-law on municipal land use planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality.*  
(Proc 20, PG2730, 1 July 2016, pg 4)

### **Makhado Local Municipality**

- Notice of approval of the spatial planning, land development and land use management by-law.  
(PN89, PG2734, 22 July 2016, pg 230)

### **Greater Tzaneen Local Municipality**

- *Spatial planning and land use management by-law.*  
(Proc 26, PG2736, 29 July 2016, pg 21)

## 3.4 **WESTERN CAPE**

### **City of Cape Town Metropolitan Municipality**

- Amendment to integrated waste management by-law, 2009 as published in PG6651 of 21 August 2009.  
(PN272, PG7646, 30 June 2016, pg 2)

- Amendment to municipal planning by-law, 2015 as published in PG7414 of 29 June 2015.  
(LAN61509, PG7647, 1 July 2016, pg 2)

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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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