

## 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

No new items of relevance during this time period.

#### 1.2. BILLS, WHITE PAPERS

No new items of relevance during this time period.

#### 1.3. GENERAL / BOARD NOTICES / REGULATIONS

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

- Environmental Impact Assessment Regulations (w.e.f. 8 December 2014)  
(Gov N982, GG38282, 4 December 2014, pg 3)
- Environmental Impact Assessment Regulations Listing Notice 1 (w.e.f. 8 December 2014)  
(Gov N983, GG38282, 4 December 2014, pg 3)
- Environmental Impact Assessment Regulations Listing Notice 2 (w.e.f. 8 December 2014)  
(Gov N984, GG38282, 4 December 2014, pg 3)
- Environmental Impact Assessment Regulations Listing Notice 3 (w.e.f. 8 December 2014)  
(Gov N985, GG38282, 4 December 2014, pg 3)
- National Appeal Regulations (w.e.f. 8 December 2014)  
(Gov N993, GG38303, 8 December 2014, pg 3)
- National Exemption Regulations (w.e.f. 8 December 2014)  
(Gov N994, GG38303, 8 December 2014, pg 11)

### **National Forest Act 84 of 1998**

- Notice of the list of protected tree species under the Act (w.e.f. 21 November 2014)  
(Gov N908, GG38215, 21 November 2014, pg 7)

### **National Heritage Resources Act: South African Heritage Resources Agency**

- Declaration of heritage resources as national heritage sites: West Coast Fossil Park (w.e.f. 28 November 2014)  
(Gov N943, GG38232, 28 November 2014, pg27)

### **Marine Living Resources Act 18 of 1998**

- Amendment of Regulations published in Government Notice No. R.1111 of 2 September 1998  
(w.e.f. 11 November 2014)  
(Gov NR900, GG38200, 11 November 2014, pg 3)

## 1.4 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

## 1.5 **LEGISLATION FOR COMMENT**

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

- Regulations relating to the procedure to be followed when oral requests are made in terms of Section 30A  
(Gen N1081, GG38253, 26 November 2014, pg 3)
- Section 24H registration authority regulations, 2014  
(Gen N114, GG38325 12 December 2014, pg 3)

### **National Environmental Management Waste Act 59 of 2008**

- Proposed amendments to the fee structure for consideration and processing of applications for waste management licences, transfer and renewal thereon  
(Gen N977, GG38196, 10 November 2014, pg 5)
- Proposed regulations regarding the planning and management of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation  
(Gen N1005, GG38209, 14 November 2014, pg 3)
- Proposed regulations to exclude a waste stream or a portion of a waste stream from definition of waste  
(Gen N1006, GG38210, 14 November 2014, pg 3)

### **National Water Act 36 of 1998**

- Regulations requiring that the taking of water for irrigation purposes be limited, monitored, measured and recorded  
(Gen N1141, GG38311, 12 December 2014, pg 3p)

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

- Dumping at sea regulations  
(Gen N1110, GG38290, 12 December 2014, pg 29)

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

- Draft notice declaring the Dwesa-Cwebe Marine Protected Area in terms of section 22A of the Act  
(Gen N948, GG38172, 4 November 2014, pg 3)
- Draft regulations Dwesa-Cwebe Marine Protected Area  
(Gen N949, GG38172, 4 November 2014, pg 7)

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

- Draft Biodiversity Management Plan for Labeo Seeberi  
(Gen N978 GG38187 7 November 2014, pg 3)

### **World Heritage Convention Act 49 of 1999**

- Notice of intention to change the name of the uKhahlamba Drakensburg Park World Heritage Site  
(Gen N1063, GG38232, 28 November 2014, pg 3)

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

- Spatial planning and land use management regulations: Land use management and general matters, 2015  
(Gen N1141, GG38311, 12 December 2014, pg 3)

## **2. PROVINCIAL LEGISLATION**

### **2.1 GAUTENG**

#### **National Heritage Resources Act 25 of 1999**

- Provincial Heritage Authority – Gauteng Formal Declaration  
(GN3998, PG342, 21 November 2014, pg 3)

### **2.2 WESTERN CAPE**

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

- Declaration of the Bakkransnature Nature Reserve  
(PN298, PG7326, 7 November 2014, pg1842)
- Declaration of the Welbedacht Nature Reserve  
(PN302, PG7326, 7 November 2014, pg1846)

#### **Heritage Resources Act 25 of 1999**

- Declaration of Heritage Resources as Provincial Heritage Sites  
(PN318, PG7336, 28 November 2014, pg 2031)

### **Nature Conservation Ordinance 19 of 1974**

- Hunting seasons, daily bag limits and hunting by the use of prohibited hunting methods (PN324, PG7338, 5 December 2014, pg 2058)

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

- Notice of proposed official public launch sites for the Western Cape (PN336, PG7338, 5 December 2014, pg 2069)

## 2.3 **LIMPOPO**

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

- Notice of intention to declare various land parcels as nature reserves (Gen N447, PG2449, 5 December 2014, pg 3)

## 2.4 **MPUMALANGA**

### **Nature Conservation Act 10 of 1998**

- Open season: ordinary game (ON1, PG2394, 5 December 2014, pg 3)

## **3. LOCAL LEGISLATION**

### 3.1 **MPUMALANGA**

#### **Govan Mbeki Local Municipality**

- Disposal of Contaminated and an Infectious Waste by-law (LAN221, PG2385, 11 November 2014, pg 3)
- Electricity by-law (LAN22, PG2385, 11 November 2014, pg 17)
- Fire Brigade by-law (LAN223, PG2385, 11 November 2014, pg 32)
- Public Participation by-law (LAN224, PG2385, 11 November 2014, pg 43)
- Regulation of Storm Water Management by-law (LAN225, PG2385, 11 November 2014, pg 50)
- Liquefied Petroleum by-law (LAN227, PG2385, 11 November 2014, pg 100)
- Nuisance by-law (LAN228, PG2385, 11 November 2014, pg 109)
- Parks and Open Spaces by-law (LAN229, PG2385, 11 November 2014, pg 117)
- Water Supply by-law (LAN234, PG2385, 11 November 2014, pg 149)

## 3.2 **FREE STATE**

### **Setsoto Local Municipality**

- Publication of draft by-laws for comment: draft Municipal Planning and Land Use by-law (N, PG73, 7 November 2014, p2)

## 3.3 **KWAZULU-NATAL**

### **City of uMhlathuze Local Municipality**

- Amendment to the Water Service by-laws (MN150, PG1265, 6 November 2014, pg17)

## 3.4 **WESTERN CAPE**

### **Swellendam Local Municipality**

- Air pollution control by-law (LAN51987, PG 7338, 5 December 2014, pg 2198)
- Prevention of public nuisances by-law (LAN51988, PG 7338, 5 December 2014, pg 2189)

### **Knysna Municipality**

- Prevention of public nuisances and the keeping of animals, poultry, pigeons and bees by-law (LAN51968, PG 7338, 5 December 2014, pg 2335)
- Integrated waste management by-law (LAN51970, PG 7338, 5 December 2014, pg 2241)

***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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