

## 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 Water Act 36 of 1998**

- Limiting the use of water in terms of item 6 of schedule 3 of the Act of irrigation, urban, industrial and mining purposes from the below sub-systems/dams:
  - Mutshedzi
  - Nzhrlele
  - Nwanedzi
  - Luphephe
  - Middle Letaba
  - Nsami
  - Modjadji
  - Tzaneen

(Gov N790, GG39159, 2 September 2015, pg 4)

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

- Department of Human Settlements: Environmental Implementation Plan (EIP) 2015 – 2020 (Gen N880, GG 39164, 3 September 2015, pg 4)

### **National Environmental Management: Air Quality Act 39 of 2004**

- Declaration of small-scale char and small-scale charcoal plants as controlled emitters and establishment of emission standards. (Gov N602, GG39220, 18 September 2015, pg 24)

### **Department of Environmental Affairs**

- Request for information on chemicals produced, used, imported or exported by South Africa. (Gen N703, GG39216, 18 September 2015, pg 4)

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

No new items of relevance during this time period.

## 1.4 **DRAFT LEGISLATION FOR COMMENT**

### **Biodiversity**

- Proposed non-detriment findings in terms of Section 62 of the National Environmental Management: Biodiversity Act 10 of 2004 (CITES), published for comment. (Gen N897, GG39185, 10 September 2015, pg 4) *Deadline for comment: 10 October 2015*

### **Air Quality**

- Draft regulations for the procedure and criteria to be followed in the determination of an administrative fine in terms of section 22A, 2015. (Gen N943, GG39236, 25 September 2015, pg 4) *Deadline for comment: 25 October 2015*
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## **2. PROVINCIAL LEGISLATION**

### 2.1 **GAUTENG**

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

- Determination of bioregions and the publication of bioregional plans in the below municipalities:

- West Rand District Municipality
- Ekurhuleni Metropolitan Municipality  
(Gen N2684, PG390, 2 September 2015, pg 4)

## 2.2 **KWAZULU-NATAL**

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

- Msunduzi Local Municipality: Adoption of the environmental management framework.  
(PN125 & 127, PG1486, 3 September 2015, pg 15 & 19)

### **Kwazulu-Natal Planning and Development Act 6 of 2008**

- AbaQulusi Municipality: Amended delegation of powers.  
(MN188, PG1508, 30 September 2015, pg 4)

## 2.3 **FREE STATE**

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

- Declaration of a Provincial state of disaster:
  - Mangaung Metropolitan Municipality
  - Mantsopa Local Municipality
  - Setsoto Local Municipality
  - Dihlabeng Local Municipality
  - Nketoana Local Municipality
  - Maluti-a-Phofung Local Municipality
  - Phumelela Local Municipality
  - Moqhaka Local Municipality
  - Ngwathe Local Municipality
  - Metsimaholo Local Municipality
  - Mafube Local Municipality
  - Letsemeng Local Municipality
  - Kopanong Local Municipality
  - Mohokare Local Municipality
  - Naledi Local Municipality
 (PN58, PG83, 4 September 2015, pg 2)

## 2.4 **WESTERN CAPE**

### **Western Cape Land Use Planning Act 3 of 2014: George Local Municipality**

(Proc13, PG7481, 1 September 2015, pg 2). *Date of commencement: 1 September 2015.*

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

- Declaration of protected environment: Robberg Coastal Corridor protected environment.  
(PN305, PG7483, 4 September 2015, pg 1857)

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

- Notice of commencement for preparation of a Drakenstein zoning scheme. (LAN57935, PG7486, 11 September 2015, pg 1909)

### **Municipal Systems Act 32 of 2000**

- Standard draft by-law on municipal land use planning. (PN323, PG7496, 28 September 2015, pg 2) *Deadline for comment: 28 October 2015*

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

- Draft regulations (Heritage Western Cape) on the process for publication of statements of general policy and conservation management plans, 2015.
- Notice of draft policy on the identification and conservation of initiation sites in the Western Cape.
- Declaration of Elandsberg Nature Reserve as a provincial heritage site. (PN324, 325, 326, PG7497, 24 September 2015, pg 3, 12, 15)

## 2.5 **EASTERN CAPE**

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

- Declaration of provincial state of disaster. (Proc N2, PG3496, 11 September 2015, pg 4)

## 2.6 **MPUMALANGA**

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

- Notice of commencement of operations of the Mbombela Planning Tribunal. (LAN85, PG2561, 18 September 2015, pg 44)

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## **3. LOCAL LEGISLATION**

### 3.1 **WESTERN CAPE**

#### **Hassequa Local Municipality**

- Amendment of the Land Use Planning by-law as published in Provincial Gazette Extraordinary 7472 dated 21 August 2015. (PN309, PG7484, 4 September 2015, pg 2)



### **Breede Valley Municipality**

- Municipal land use planning by-law.  
(PN310, PG7485, 8 September 2015, pg 2)

### **Knysna Municipality**

- Water and sanitation services by-laws published and water by-law and sewage by-law as published in PG6282 of 2005 and stormwater management by-law as published in PG6506 of 2008 repealed.  
(LAN57940, PG7487, 11 September 2015, pg 28)

### **Theewaterkloof Municipality**

- Air quality management by-law published, except for section 14 and 15 which shall come into operation on a date to be determined and previous by-laws repealed.
- Electricity supply by-law
- Irrigation water by-law
- Public nuisances and nuisances resulting from the keeping of animals by-law
- Community fire safety by-law
- Fencing and walls by-law published and previous by-laws repealed
- Storm water management by-law  
(LAN 57941, 57944, 57947, 57950, 57943, 57945, 57952, PG7488, 11 September 2015, pg 2, 123, 153, 221, 278, 435, 526)

### **Prince Albert 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.  
(PN317, PG7489, 14 September 2015, pg 3)

### **Matzikama Municipality**

- By-law on municipal land use planning with effect from the date the Western Cape Land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality.  
(PN322, PG7495, 18 September 2015, pg 2)

## 3.2 **FREE STATE**

### **Matjhabeng Local Municipality**

- Municipal land use planning by-law.  
(PG90, 11 September 2015, pg 2)

## 3.3 **EASTERN CAPE**

### **Joe Gqabi District Municipality**

- Water and sanitation services by-law.  
(PN102, PG3488, 31 August 2015, pg 47)

### 3.4 **GAUTENG**

#### **Lesedi Local Municipality**

- National building regulations and building standards by-law
- Solid waste by-law published and the refuse (solid waste) and sanitary by-law repealed
- Water supply by-law
- Public health by-law
- Electricity by-law  
(LAN1602, 1604, 1605, 1606, 1609, PG408, 15 September 2015, pg 4, 65, 82, 147, 287)

### 3.5 **KWAZULU-NATAL**

#### **eThekweni Municipality**

- Nuisances and behaviour in public places by-law 2015  
(MN176, PG1490, 11 September 2015, pg 42)

#### **uMngeni Local Municipality**

- Tree planting, felling and pruning policy.  
(MNS 181, PG1500, 25 September 2015, pgs 54)

### 3.6 **NORTHERN CAPE**

#### **Sol Plaatje Local Municipality**

- Municipal land use management by-laws.  
(Gen N139, PG1955, 21 September 2015, pg 4)

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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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