

Environmental Legislation Update

1st December 2015 – 31st December 2015
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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: to be proclaimed.
Amends ss. 1, 5, 10, 13, 15, 22, 23, 24, 25, 37, 38, 39, 43, 51, 52, 53 & 59; substitutes the long title, ss. 8 & 11 and the heading to Part 3 of Chapter 5; and inserts ss. 31A & 45A in the Disaster Management Act 57 of 2002.
(Gov N1239, GG39520, 15 December 2015, pg 2)

1.2 NOTICES / REGULATIONS

National Environmental Management: Biodiversity Act 10 of 2004

- Biodiversity management plan for the African lion (*Panthera leo*).
(Gen N1190, GG39468, 2 December 2015, pg 4)
- Biodiversity management plan for the White rhinoceros (*Ceratotherium simum*).
(Gen N1191, GG39469, 2 December 2015, pg 4)

Water Services Act 108 of 1997

- Extension of service area of operation of Umgeni Water and Mhlathuze Water to include the entire area of Kwazulu-Natal Province.
(GN1208, GG39491, 10 December 2015, pg 4)

National Environmental Management: Air Quality Act 39 of 2004

- Waterberg-Bojanala priority area air quality management plan and threat assessment.
(GN1207, GG39489, 9 December 2015, pg 4)

National Heritage Resources Act 25 of 1999

- South African Heritage Resources Agency (SAHRA): Regulations published in terms of Section 32.
(GN1258, GG39533, 18 December 2015, pg 4)

Promotion of Access to Information Act 2 of 2000

- Department of Water and Sanitation: Section 14 manual published.
(GG39510, 15 December 2015, pg 3)

National Health Act 61 of 2003

- National environmental health norms and standards for premises and acceptable monitoring standards for environmental health practitioners published.
(GenN1229, GG39561, 24 December 2015, pg 4)

International Trade Administration Act 71 of 2002

- Import control notice published in GN R 91 in GG 35007 of 10 February 2012 amended with effect from 1 January 2016.
(GenN1290, GG39567, 31 December 2015, pg 4)
- Export control notice published in GN R 92 in GG 35007 of 10 February 2012 amended with effect from 1 January 2016.
(GenN1291, GG39567, 31 December 2015, pg 6)

1.3 RULES, GUIDELINES & POLICIES

No new items of relevance during this time period.



1.4 **DRAFT LEGISLATION FOR COMMENT**

Economic Development

- International Trade Administration Commission of South Africa (ITAC): Draft amendments to the price preference system (PPS) policy guidelines on the exportation of ferrous and non-ferrous waste and scrap published in GN R714 in GG 37992 of 12 September 2014 published for comment.
(GNR1211, GG39499, 11 December 2015, pg 6) *Deadline for comment: 4 weeks from the date of publication*

Animal Diseases

- Extension of comment period on draft veterinary procedural notice for buffalo disease risk management in South Africa (draft 'Buffalo VPN') published for comment in GN 798 in GG 39172 of 4 September 2015.
(GN1209, GG39494, 11 December 2015, pg 4) *Deadline for comment: 31 January 2016*

Astronomy

- Extension of comment period on draft Karoo Central Astronomy Advantage Areas Spectrum Regulations, 2015 published for comment in GN 1166 in GG 39442 of 23 November 2015.
(GN1229, GG39505, 11 December 2015). *Deadline for comment: 22 February 2016*
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2. **PROVINCIAL LEGISLATION**

2.1 **KWAZULU-NATAL**

Spatial Planning and Land Use Management Act 16 of 2013

- Establishment of Hibiscus Coast Municipality; Ezingoleni Municipality; and Umziwabantu Municipality as a joint municipal planning tribunal.
(MN215, PG1560, 3 December 2015, pg 4)

2.2 **EASTERN CAPE**

Disaster Management Act 57 of 2002

- Joe Gqabi District Municipality: Declaration of a local state of drought disaster.
Areas affected:
 - Elundini
 - Gariep
 - Maletswai
 - Senqu
(PN41, PG3560, 4 December 2015, pg 4)

- Joe Gqabi District Municipality: Declaration of Ugie Town in the Elundini local Municipality as a local state of organic pollution disaster area. (PN42, PG3560, 4 December 2015, pg 4)

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare reserves and protected environments:
 - Baviaanskloof Nature Reserve
 - Sam Knott Nature Reserve
 - Skilderkrantz Nature Reserve
 - Cedarville Protected Environment
 - Nelson Mandela Metropolitan University Nature Reserve
 (PN191, PG3564, 8 December 2015, pg 4) *Deadline for comment: 8 February 2016*

2.3 **NORTHERN CAPE**

Spatial Planning and Land Use Management Act 16 of 2013

- Approval of a land use management system (LUMS). (GenN178, PG1973, 30 November 2015, pg 9)

2.4 **WESTERN CAPE**

Western Cape Land Use Planning Act 3 of 2014

- Date of commencement for Bitou, Breede Valley, Laingsburg, Matzikama, Mossel Bay, Stellenbosch and Theewaterskloof Municipalities: 1 December 2015. (Proc30, PG7539, 1 December 2015, pg 2)

Disaster Management Act 57 of 2002

- Endorsement by the Premier of the classification of a provincial state of drought disaster. Areas affected:
 - Oudtshoorn
 - Prince Albert
 - Witzenberg
 - Eden
 - Cape Winelands
 - Central Karoo
 - West Coast
 (PN413, PG7542, 4 December 2015, pg 2350)



2.5 **MPUMALANGA**

Disaster Management Act 57 of 2002

- Declaration of Provincial state of disaster. Areas affected:
 - Chief Albert Luthuli
 - Msukaligwa
 - Mkhondo
 - Dr J.S. Moroka
 - Dr Pixley Ka Isaka Seme
 - Thembisile Hani
 - Dipaleseng
 - Govan Mbeki
 - Emakhazeni
 - Thaba Chweu
 - Nkomazi
 - Bushbuckridge
 - Umjindi
- (GenN429, PG2619, 4 December 2015, pg 4)

3. **LOCAL LEGISLATION**

3.1 **KWAZULU-NATAL**

Greater Kokstad Municipality

- Spatial planning and land use management by-law.
(MN12, PG1561, 4 December 2015, pg 4)

Mandeni Local Municipality

- Spatial planning and land use management by-law.
(MN120, PG1562, 4 December 2015, pg 4)

Maphumulo Local Municipality

- Spatial planning and land use management by-law.
(MN120, PG1563, 4 December 2015, pg 4)

3.2 **FREE STATE**

Masilonyana Local Municipality

- Adoption of by-law on municipal land use planning published and previous by-laws repealed with effect from date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(PN160, PG133, 11 December 2015, pg 2)



Moqhaka Local Municipality

- Building regulations and building by-law (PN164, PG134, 11 December 2015, pg 6)

3.3 **NORTHERN CAPE**

- By-law on municipal land use planning published and various by-laws repealed:
 - Richtersveld Local Municipality
 - Siyathemba Local Municipality
 - Ubuntu Local Municipality
 - Hantam Local Municipality (GenNs182, 183, 186 & 187, PG1977, 7 December 2015, pgs 7, 50, 177 & 221)

Emthanjeni Local Municipality

- By-law on municipal land use planning, 2015. (GenNs184 & 185, PG1977, 7 December 2015, pgs 94 & 136)

3.4 **WESTERN CAPE**

Overstrand Local Municipality

- By-law on municipal land use planning published with effect from date that the Western Cape Land Use Act 3 of 2014 comes into operation in the municipal area of the Municipality. (LAN47692, PG7540, 4 December 2015, pg 3)

Bitou Local Municipality

- River by-law published with effect from different dates for the coming into operation of different sections. (LAN47725, PG7543, 7 December 2015, pg 2)

3.5 **MPUMALANGA**

- By-law on spatial planning and land use management published with effect from a date to be proclaimed. (Proc 41, PG2616, 1 December 2015, pg 4)



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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