

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.

1. NATIONAL LEGISLATION

1.1 ACTS / AMENDMENT ACTS

Nothing to report for this period.

1.2 NOTICES / REGULATIONS

National Environmental Management Act 107 of 1998


- Notice of adoption and publication of Mapungubwe Cultural Landscape World Heritage Site Environmental Management Framework.
(GEN57, GG40593, 3 February 2017, pg 109)

Disaster Management Act 57 of 2002

- Classification of local disaster in the O.R. Tambo District Municipality in terms of Section 23 of the Act.
(GN81, GG40593, 3 February 2017, pg 15)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of land to be part of the West Coast National Park.
(GEN119, GG40621, 17 February 2017, pg 203)

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- Correction notice to the declaration of certain land situated in the Harrismith and Bethlehem registration divisions to be part of the Golden Gate highlands National Park published in GN1239 in GG31619 of 21 November 2008.
(GEN123, GG40621, 17 February 2017, pg 211)

National Water Act 36 of 1998

- Implementation of measures to mitigate the impact of periodic shortage of water in Richards Bay: Declaration of the short-term and long term interventions as an emergency government waterworks.
(GN99, GG40598, 6 February 2017, pg 4)
- Regulations requiring that the Taking of Water for Irrigation Purposes be Measured, Recorded and Reported.
(GEN131, GG40621, 17 February 2017, pg 228)

Plant Breeders' Rights Act 15 of 1976

- Regulations relating to plant breeders' rights amended with effect from 1 April 2017.
(GN121, GG40621, 17 February 2017, pg 17)

Agricultural Pests Act 36 of 1983

- Control Measures amended with effect from 1 April 2017.
(GNR133, GG40622, 17 February 2017, pg 11)
- Regulations amended with effect from 1 April 2017.
(GNR134, GG40622, 17 February 2017, pg 14)

Genetically Modified Organisms Act 15 of 1997

- Regulations amended with effect from 1 April 2017.
(GN121, GG40621, 17 February 2017, pg 19)
- Tariffs for services amended with effect from 1 April 2017.
(GN121, GG40621, 17 February 2017, pg 21)

Department of Agriculture, Forestry and Fisheries

- Invitation to submit applications for DAFF quota import permits for rebate of the full anti-dumping duty on frozen bone-in-cuts of the species Gallus domesticus imported from or originating in the United States of America (USA).
(GN170, GG40643, 24 February 2017, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

Nothing to report for this period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

National Environmental Management: Biodiversity Act 10 of 2004

- Draft regulations for the domestic trade in rhinoceros horn, and products or derivatives of rhinoceros horn, 2017 published for comment.
(GEN74, GG40601, 8 February 2017, pg 4) *Deadline for comment: 23 March 2017*
- Draft Norms and Standards for the management and monitoring of the hunting of leopard in South Africa for trophy hunting purposes.
(GEN75, GG40601, 8 February 2017, pg 14) *Deadline for comment: 23 March 2017*
- Proposed amendment of the Invasive Species List and proposed listing of species that are threatened or protected, restricted activities that are prohibited and exemption from restriction published for comment.
(GEN76, GG40601, 8 February 2017 pg 27) *Deadline for comment: 23 March 2017*
- Intention to prohibit the powdering or shaving of rhinoceros horn, the domestic selling or otherwise trading in, giving, donating, buying, receiving, accepting as a give or donation, or in any way disposing or acquiring, of powdered or shaved rhinoceros horn, and the export of powdered or shaved rhinoceros horn published for comment.
(GEN77, GG40601, 8 February 2017, pg 29) *Deadline for comment: 23 March 2017*
- Notice of draft Biodiversity Management Plan for the Clanwilliam Sandfish *Labeo Seeberi* published for comment and GN406 in GG39899 of 1 April 2016 withdrawn.
(GEN120, GG40621, 17 February 2017, pg 206)

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947

- Regulations relating to fertilizers, farm feeds, agricultural remedies, stock remedies, sterilising plants and pest control operators, appeals and imports: Notice of proposed amendment to tariffs published for comment.
(GN122, GG40621, 17 February 2017, pg 22) *Deadline for comment: 3 April 2017*

Agricultural Product Standards Act 119 of 1990

- Proposed inspection fees published for comment.
(GEN128, GG40621, 17 February 2017, pg 218) *Deadline for comment: 3 April 2017*
- Proposed inspection fees published for comment in GEN661 in GG40346 of 14 October 2016, proposed revised inspection fees published for comment in GEN783 in GG40443 of 24 November 2016 and inspection fees in respect of specified categories of products which may be sold in the Republic of South Africa published in GEN1 in GG40537 of 6 January 2017 corrected.
(GEN134, GG40637, 24 February 2017, pg 51)

Marine Living Resources Act 18 of 1998

- Draft Policy on Boat-Based Whale and Dolphin Watching published for comment. (GN145, GG40626, 17 February 2017, pg 4) *Deadline for comment: 3 April 2017*
- Draft Policy on White Shark Cage Diving published for comment. (GN146, GG40626, 17 February 2017, pg 21) *Deadline for comment: 3 April 2017*

National Environmental Management: Protected Areas Act 57 of 2003

- Proposed Cultural Heritage Survey Guidelines and Assessment Tools for Protected Areas in South Africa. (GN83, GG40593, 3 February 2017, pg 21)
- Notice of intention to declare certain land situated in the Eastern Cape Province as part of the Addo Elephant National Park published for comment. (GEN118, GG40621, 17 February 2017, pg 201) *Deadline for comment: 19 May 2017*
- Notice of intention to declare land situated in the Western Cape Province as part of the Table Mountain National Park published for comment. (GEN121, GG40621, 17 February 2017, pg 207) *Deadline for comment: 19 May 2017*
- Notice of intention to declare certain land situated in the Northern Cape Province as part of the Mokala National Park published for comment. (GEN122, GG40621, 17 February 2017, pg 209) *Deadline for comment: 19 May 2017*
- Notice of intention to declare certain land situated in the Northern and Western Cape Provinces as part of the Tankwa Karoo National Park published for comment. (GEN124, GG40621, 17 February 2017, pg 212) *Deadline for comment: 19 May 2017*
- Notice of publication of proposed revision of park management plans for comment by Karoo National Park and Mokala National Park Stakeholders (GEN136, GG40637, 24 February 2017, pg 55)

National Energy Regulator Act 40 of 2004

- National Energy Regulator of South Africa (NERSA): Notice of publication for comment of draft Language Policy of the National Energy Regulator of South Africa. (GEN112, GG40618, 15 February 2017, pg 4) *Deadline for comment: 7 March 2017*
- National Energy Regulator of South Africa (NERSA): Notice of publication for comment of consultation paper on the review of the Municipal Tariff Guideline Increase, Benchmarks and proposed Timelines for the Municipal Tariff Approval Process for the 2017/2018 financial year. (GEN163, GG40653, 28 February 2017) *Deadline for comment: 20 March 2017*

National Environmental Management: Integrated Coastal Management Act 24 of 2008

- Draft Reclamation of Land from Coastal Waters Regulations, 2017 published for comment. (GNR167, GG40638, 24 February 2017, pg 11) *Deadline for comment: 10 April 2017*

Mineral and Petroleum Resources Development Bill, 2013

- 15C-2013 and 15D-2013

Plant Breeders' Rights Bill, 2015

- 11A-2015 and 11B-2015
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2. PROVINCIAL LEGISLATION

2.1 KWAZULU-NATAL

Spatial Planning and Land Use Management Act 16 of 2013

- uMngeni Local Municipality: Notice of Draft Spatial Development Framework published for comment. (MN10, PG1785, 2 February 2017, pg 207) *Deadline for comment: 7 April 2017*

Disaster Management Act 57 of 2002

- eThekweni Metropolitan Municipality: Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 February 2017 and 10 March 2017. (PN14, PG1791, 10 February 2017, pg 3)

2.2 WESTERN CAPE

Sea-Shore Act 21 of 1935

- Swellendam: Proposal to enter into leases with applicants for the construction/legalisation of various structures below the high-water mark of the Breede River published for comment. (PN28, PG7721, 27 January 2017, pg 43) *Deadline for comment: 27 February 2017*
- Riversdale: Proposal to enter into a lease with Koningsfontein (Pty) Ltd for the construction of a jetty below the high-water mark of the Goukou River published for comment. (PN51, PG7733, 17 February 2017, pg 95) *Deadline for comment: 20 March 2017*

Disaster Management Act 57 of 2002

- Witzenberg Local Municipality: Declaration of a local state of drought disaster (LAN54437, PG7735, 24 February 2017, pg 124)

2.3 **LIMPOPO**

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare Brackenridge, Monate and Ba-phalaborwa as nature reserves published for comment.
(PN16, PG2791, 24 February 2017, pg 17) *Deadline for comment: 7 July 2017*
- Declaration of nature reserve: Leopard Cave Safaris nature reserve.
(PN21, PG2791, 24 February 2017, pg 23)

2.4 **MPUMALANGA**

Mpumalanga Town Planning and Land Related Laws Repeal Act 2 of 2016

- Date of commencement: to be determined
Repeals: Regulations for the Administration and Control of Townships in Black Areas (Proc293 of 1962); Removal of Restrictions Act 84 of 1967; Physical Planning Act 88 of 1967; Black Communities Development Act 4 of 1984; Town Planning and Townships Ordinance 15 of 1986; Division of Land Ordinance 20 of 1986; Regulations Relating to Township Establishment and Land Use (GNR1897 of 1986); Abolition of Racially Based Land Measures Act 108 of 1991; and Less Formal Township Establishment Act 113 of 1991.
(PN19, PG2787, 24 February 2017, pg 15)

Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013

- Lekwa Local Municipality: notice of Draft Spatial Development Framework published for comment.
(LAN17, PG2787, 24 February 2017, pg 20) *Deadline for comment: 26 May 2017*

2.5 **NORTH WEST**

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of Nature Reserves: Boskopdam Nature Reserve; Vaalkopdam Nature Reserve; and Molemane Eye Nature Reserve.
(PN28, 29 and 31, PG7734, 21 February 2017, pgs 35, 37 and 44)
- Correction notice to the intention to declare Erf 9297 Mafikeng (a portion of Erf 428) as part of Mafikeng Nature Reserve as published under PN182 in PG7690 of 13 September 2016.
(PN30, PG7734, 21 February 2017, pg 43)

- Correction notice: Declaration of the Baviaanskrans 308 JQ property as part of Rustenburg Nature Reserve and assignment of Kgaswane Mountain Nature Reserve as the official name of the reserve.
(PN32, PG7734, 21 February 2017, pg 46)

2.6 **EASTERN CAPE**

Nature and Environmental Conservation Ordinance 19 of 1974

- Determination of hunting season, daily bag limits and hunting by the use of prohibited hunting methods, 2017.
(PN15, PG3798, 13 February 2017, pg 14)

Nature Conservation Act 10 of 1987

- Hunting Seasons: Former Ciskei and Transkei
(PN15, PG3798, 13 February 2017, pgs 19 and 20)

3. **LOCAL LEGISLATION**

3.1 **FREE STATE**

Phumelela Local Municipality

- By-law on Municipal Land Use Planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(PN317, PG106, 3 February 2017, pg 9)

Mafube Local Municipality

- By-law on Municipal Land Use Planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(PN354, PG113, 17 February 2017, pg 2)

3.2 **MPUMALANGA**

Gert Sibande District Municipality

- Waste By-laws, 2016
(Proc 2, PG2780, 10 February 2017, pg 15)



3.3 **WESTERN CAPE**

Witzenberg Local Municipality

- Notice of intention to adopt and amend the Scheme Regulations as published under PN1048 of 1988.
(LAN54393, PG7729, 10 February 2017, pg 75)

West Coast District Municipality

- Declaration of local drought disaster.
(LAN54407, PG7729, 10 February 2017, pg 79)

3.4 **KWAZULU-NATAL**

Danhauser Local Municipality

- Animal Pound By-laws, 2015
(MN16, PG1792, 16 February 2017, pg 233)

Umvoti Local Municipality

- Spatial Planning and Land Use Management BY-law, 2017
(MN18, PG1792, 16 February 2017, pg 345)

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 –

Ian Sampson (Partner)

Johannesburg:	Tel: +27 11 290 2540	Fax: +27 11 783 1301
Durban:	Tel: +27 31 575 7205	Fax: +27 31 575 7200
	Cell: +27 82 775 3720	Email: sampson@wylie.co.za

Siya Mkhize (Associate)

Durban:	Tel: +27 31 575 7224	Fax: +27 31 575 7200
	Cell: +27 82 562 3674	Email: smkhize@wylie.co.za