

Environmental Legislation Update

1st August 2016 – 31st August 2016
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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

No new items of relevance during this time period.

1.2 NOTICES / REGULATIONS

National Water Act 36 of 1998

- Restrictions on the use of water in terms of paragraph 6(1) of schedule 3 to the Act for urban and irrigation purposes from the catchment areas of the dams supplying the Integrated Vaal River System (IVRS) and from the system.
(GN910, GG40203, 12 August 2016, pg 23)
- General authorisation in terms of Section 39 of the Act published and GN 1199 in GG 32805 of 18 December 2009 replaced.
(GenN509, GG40229, 26 August 2016, pg 105)
- Restrictions on the use of water in terms of paragraph 6(1) of Schedule 3 to the Act for:
 - Urban and irrigation purposes from the main stem Orange River and dams within the Orange River system.
(GN957, GG40229, 26 August 2016, pg 93)

- Urban, irrigation and industrial (including mining) purposes from the Middelburg Dam. (GN958, GG40229, 26 August 2016, pg 94)
- Urban and irrigation purposes from the Caledon Modder Subsystem (GN959, GG40229, 26 August 2016, pg 95)

National Environmental Management: Waste Act 59 of 2008

- National pricing strategy for waste management. (GN904, GG40200, 11 August 2016, pg 4)
- Notice requiring the paper and packaging industry, electrical and electronic equipment industry and lighting industry to prepare and submit their industry waste management plans for approval. (GN915, GG40207, 12 August 2016, pg 4)

Customs and Excise Act 91 of 1964

- Schedule 1 amended. (GNR939, GG40223, 22 August 2016, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Environmental Management

- Proposed activities identified in terms of Section 24(2) that may be excluded from the requirement to obtain an environmental authorisation but that must comply with the dangerous goods standard. (GN891, GG40188, 5 August 2016, pg 30) *Deadline for comment: 5 September 2016*
- Proposed adoption of dangerous goods standards. (GN892, GG40188, 5 August 2016, pg 53) *Deadline for comment: 5 September 2016*

Waste

- Proposed amendments to the waste tyre regulations. (GenN903, GG40199, 11 August 2016, pg 4) *Deadline for comment: 11 September 2016*

Marine

- Draft national framework for marine spatial planning in South Africa. (GN936, GG40219, 19 August 2016, pg 4) *Deadline for comment: 19 September 2016*



Astronomy

- Notice of public hearings on the proposed Karoo Central Astronomy Advantage Areas Regulations.
(GN920, GG40215, 18 August 2016, pg 4) *Deadline for comment: 20 September 2016*

Biodiversity

- Draft norms and standards for the management of damage-causing animals in South Africa.
(GenN512, GG40236, 30 August 2016, pg 4) *Deadline for comment: 30 September 2016*

2. PROVINCIAL LEGISLATION

2.1 WESTERN CAPE

Department of Environmental Affairs and Development Planning

- Extension of time to submit comments on the draft Breede River Estuarine Management Plan (EMP) extended until 21 October 2016.
(PN325, PG7663, 19 August 2016, pg 1227) *Deadline for comment: 21 October 2016*

2.2 NORTHERN CAPE

Spatial Planning and Land Use Management Act 16 of 2013

- Draft revision and amendment of the spatial development framework (SDF).
(GenN77, PG2035, 15 August 2016, pg 11) *Deadline for comment: 15 October 2016*

2.3 KWAZULU NATAL

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

2.4 NORTH WEST

National Environmental Management Act 107 of 1998 and Environmental Management Framework Regulations, 2010

- Environmental management framework for the Dr Kennenth District Municipality and Greater Taung Local Municipality.
(PNs 143 & 144, PG7677, 2 August 2016, pg 23 & 25) *Deadline for comment: 2 September 2016*

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of the establishment of a municipal planning tribunal.
(LAN123, PG7677, 2 August 2016, pg 32)

2.5 **LIMPOPO**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of commencement of the Ratlou Municipal Planning Tribunal.
(LAN146, PG7682, 23 August 2016, pg 103)

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare Ndzalama; Alkantrant and Mogol Dam as nature reserves.
(PN105, PG2743, 26 August 2016, pg 30) *Deadline for comment: 25 October 2016*
- Verklaring van die Brooks; Glen Lyon; Karoo Gariep; Oranjeriviermond, Rockwood; Sandhoog, Natuurreserve en herbeskrywing van die Doornkloof; Goegap; Nababiep; Oorlogskloof; Rolfontein en Witsand Natuurreserve.
(AK81, PK2038, 29 Augustus 2016, bl 11)

3. LOCAL LEGISLATION

3.1 **EASTERN CAPE**

Mbizana Local Municipality

- By-law on spatial planning and land use management: Notice of adoption of new land use scheme regulations.
(LAN75, PG3723, 22 August 2016, pg 83)

3.2 **LIMPOPO**

Maruleng Local Municipality

- Spatial planning and land use management by-law published with effect from a date fixed by the Mayor of the municipality by proclamation in the *Provincial Gazette*.
(GenN107, PG2738, 12 August 2016, pg 13)



3.3 **WESTERN CAPE**

City of Cape Town Metropolitan Municipality

- Air quality management by-law, 2016 published and air quality management by-law, 2010 repealed.
(LAN54049, PG7662, 17 August 2016, pg 2)

3.4 **GAUTENG**

City of Johannesburg Metropolitan Municipality

- Municipal planning by-law.
(LAN1242, PG255, 3 August 2016, pg 206)

City of Tshwane Metropolitan Municipality

- Waste management by-law
- Solid waste by-law.
(LAN1393, PG274, 24 August 2016, pg 209)

3.5 **KWAZULU-NATAL**

eThekweni Metropolitan Municipality

- Repeal by-law.
(MN110, PG1710, 4 August 2016, pg 113)
- Waste removal by-law, 2016 published and MN 40 in PG 4464 of 14 March 1985 and MN 47 in PG 6133 of 17 October 2002 repealed with effect from six months from the date of publication or such earlier date as may be determined by the publication of a commencement notice.
(MN117, PG1722, 25 August 2016, pg 4)

3.6 **NORTH WEST**

Moretele Local Municipality

- Waste management by-law published with effect from a date determined by the Municipality in the *Provincial Gazette*.
- Environmental management by-laws.
(LAN145, PG7682, 23 August 2016, pg 49 & 73)

Moses Kotane Local Municipality

- Environmental by-law.
(LAN147, PG7685, 30 August 2016, pg 58)



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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