

Environmental Legislation Update

1st January 2016 – 31st January 2016
Volume 13, Issue 11

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

- Establishment of the Vaal River catchment management agency.
(GN81, GG39636, 29 January 2016, pg 57)

1.3 RULES, GUIDELINES & POLICIES

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Economic Development

- Extension of comment period on draft amendments to the price preference system (PPS) policy guidelines on the exportation of ferrous and non-ferrous waste and scrap published for comment in GN R1211 in GG 39499 of 11 December 2015 published.
(GNR16, GG39580, 8 January 2016, pg 16) *Deadline for comment: 5 February 2016*

Air Quality

- Proposed national pollution prevention regulations, 2015.
(GN5, GG39578, 8 January 2016, pg 15) *Deadline for comment: 8 February 2016*
- Proposed declaration of greenhouse gases as priority air pollutants.
(GN6, GG39578, 8 January 2016, pg 21) *Deadline for comment: 8 February 2016*

Biodiversity

- Draft amendment of the norms and standards for the marking of rhinoceros and rhinoceros horn, and for the hunting of rhinoceros for trophy hunting purposes.
(GN5, GG39589, 12 January 2016, pg 4) *Deadline for comment: 11 February 2016*
- Notice of bioprospecting permit applications submitted by the University of Pretoria
(GenN20, GG39620, 25 January 2016, pg 4) *Deadline for comment: 24 February 2016*

Water

- Proposed classes of water resources and resource quality objectives for the Letaba catchment published for comment and GenN 823 in GG 37999 of 19 September 2014 repealed.
(GN54, GG39614, 22 January 2016, pg 4) *Deadline for comment: 22 March 2016*
 - Proposed classes of water resources and resource quality objectives for the Inkomati published for comment.
(GN55, GG39614, 22 January 2016, pg 20) *Deadline for comment: 22 March 2016*
 - Proposal for the establishment of the Orange catchment management agency published for comment.
(GN79, GG39636, 29 January 2016, pg 55) *Deadline for comment: 29 March 2016*
 - Proposal for the establishment of the Mzimvubu-Tsitsikamma catchment management agency published for comment.
(GN80, GG39636, 29 January 2016, pg 56) *Deadline for comment: 29 March 2016*
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2. PROVINCIAL LEGISLATION

2.1 EASTERN CAPE

Disaster Management Act 57 of 2002

- Chris Hani District Municipality: Declaration of state of local disaster. (LAN2, PG3582, 22 January 2016, pg 4)

2.2 WESTERN CAPE

National Environmental Management: Integrated Coastal Management Amendment Act 36 of 2014

- Draft Western Cape Coastal Management Programme. (PN2, PG7553, 15 January 2016, pg 2) *Deadline for comment: 15 February 2016*

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare the Moutonshoek Protected Environment published for comment. (PN3, PG7553, 15 January 2016, pg 3) *Deadline for comment: 15 March 2016*

United Nations Environmental, Scientific and Cultural Organisation's Man and Biosphere Programme

- Notice of application to the United Nations Environmental, Scientific and Cultural Organisation's Man and Biosphere Programme (UNESCO MAB) to the Garden Route Biosphere Reserve designated as part of the World Network of Biosphere Reserves published for comment. (LAN47795, PG7553, pg 33), 15 January 2016, pg 33) *Deadline for comment: 27 February 2016*

2.3 MPUMALANGA

Mpumalanga Nature Conservation Act 10 of 1998

- Open season: Ordinary game. (OM1, PG2636, 19 January 2016, pg 4)
- Mpumalanga town planning and land related laws repeal bill, 2015 published for comment. (GenN8, PG2637, 22 January 2016, pg 16) *Deadline for comment: 26 February 2016*

2.4 GAUTENG

Spatial Planning and Land Use Management Act 16 of 2013

- City of Johannesburg Metropolitan Municipality: Notice of intention to review the draft spatial development framework. (LAN59, PG27, 27 January 2016, pg 4) *Deadline for comment: 28 March 2016*



2.5 **NORTHERN CAPE**

Disaster Management Act 57 of 2002

- Declaration of a provincial state of drought disaster on the following district municipalities:
 - Frances Baard
 - John Taolo Gaetsewe
 - Pixley Ka Seme
 - Namakwa
 - ZF Mcgawu
- (GenN5 & 6, PG1983, 29 January 2016, pg 4)
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3. LOCAL LEGISLATION

3.1 **KWAZULU-NATAL**

uMhlabuyalingana Local Municipality

- Waste management by-law published and previous by-laws repealed (MN 9, PG1581, 14 January 2016, pg 4)

uMgungundlovu District Municipality

- Planning and land use by-laws, 2015
 - Richmond
 - uMshwathi
 - uMngeni
 - Mpofana
 - Impendle
 - Mkhambathini
- (MNs 1, 2 & 4-7, PG1579, 15 January 2016, pg 4; 101; 299; 400; 500 & 602)

Endumeni Local Municipality

- Planning and land use management by-laws, 2015. (MN 3, PG1579, 15 January 2016, pg 199)

Hibiscus Coast Local Municipality

- Planning and land use management by-laws, 2015. (MN 8, PG1580, 15 January 2016, pg 4)

uMuziwabantu Local Municipality

- Municipal planning and land use management by-laws, 2015. (MN 14, PG1591, 22 January 2016, pg 4)

Okhahlamba Local Municipality

- Planning and land use management by-laws, 2015.
(MN 15, PG1591, 22 January 2016, pg 95)

3.2 **NORTHERN CAPE**

Dikgatlong Local Municipality

- Notice of adoption of the land use management by-law.
(GenN4, PG1982, 25 January 2016, pg 10)

3.3 **WESTERN CAPE**

Bergrivier Local Municipality

- Drafted integrated zoning scheme by-law, published for comment.
(LAN47779, PG7553, 15 January 2016, pg 17) *Deadline for comment: 15 February 2016*

3.4 **MPUMALANGA**

Emalahleni Local Municipality

- Waste management by-laws published and solid waste management by-laws as published under LAN64 of 2008 repealed.
(PN 1, PG2632, 13 January 2016, pg 4)
- Noise control by-law published and previous by-law repealed.
(PN 2, PG2632, 13 January 2016, pg 70)

Steve Tshwete Local Municipality

- Municipal by-law on spatial planning and land use management 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.
(LAN2, PG2633, 15 January 2016, pg 4)

Thaba Chweu Local Municipality

- By-law on spatial planning and land use management.
(PN7, PG2635, 19 January 2016, pg 4)

3.5 **EASTERN CAPE**

Elundini Local Municipality

- Notice of intention to adopt the proposed land use planning by-laws.
(LAN1, PG3578, 18 January 2016, pg 10) *Deadline for comment: 9 February 2016*



3.6 **GAUTENG**

Lesedi Local Municipality

- Spatial planning and land use management by-law.
(PN76, PG22, 27 January 2016, pg 4)

City of Johannesburg Metropolitan Municipality

- Notice on draft municipal planning by-law published for comment.
(LAN61, PG30, 29 January 2016, pg 4) *Deadline for comment: 29 February 2016*

3.7 **NORTH WEST**

Naledi Local Municipality

- Spatial planning and land use management by-law, 2015 published with effect from 1 January 2015 and previous by-laws repealed.
(LAN8, PG7599, 26 January 2016, pg 31)

Rustenburg Local Municipality

- Spatial planning and land use management by-law.
(LAN14, PG7600, 29 January 2016, 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 –

Ian Sampson (Partner)

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

Janice Tooley (Partner)

Durban:	Tel: +27 31 575 7212 Cell: +27 82 450 5671	Fax: +27 31 575 7200 Email: tooley@wylie.co.za
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Siya Mkhize (Candidate Attorney)

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