

## 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 Environmental Management Act 107 of 1998**

- Notice regarding references to 'minimum information requirements' in the regulations for petroleum exploration and production.  
(GN619, GG40041, 3 June 2016, pg 23)

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

- Notice of provincial protection of the Lutheran Church, Gold Museum and the Dutch Embassy building, Erf 9245.  
(GN617, GG40041, 3 June 2016, pg 20)
- Declaration of the South African National Memorial; Delville Wood as a National Heritage site.  
(GN772, GG40100, 28 June 2016, pg 4)

## **Natural Scientific Professions Act 27 of 2003**

- Schedule I (Fields of Practice) substituted.  
(GenN340, GG40058, 10 June 2016, pg 104)

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

No new items of relevance during this time period.

### 1.4 **DRAFT LEGISLATION FOR COMMENT**

#### **Air Quality**

- Draft national greenhouse gas emissions reporting regulations.  
(GN336, GG40054, 7 June 2016, pg 4) *Deadline for comment: 7 July 2016*

#### **Spatial Data Infrastructure**

- Draft spatial data infrastructure regulations.  
(GN698, GG40058, 10 June 2016, pg 62) *Deadline for comment: 11 July 2016*

#### **Biodiversity**

- Notice of publication for comment of biodiversity management plan for Pickersgill's reed frog (*Hyperolius pickersgilli*).  
(GN337, GG40058, 10 June 2016, pg 98) *Deadline for comment: 11 July 2016*

#### **Department of Environmental Affairs**

- Draft strategy to address air pollution in dense low-income settlements.  
(GN356, GG40088, 24 June 2016, pg 1008) *Deadline for comment: 22 August 2016*

#### **Carbon Tax**

- Draft Carbon Tax Bill: Publication of proposed regulations made in terms of clause 20(b) of the Draft Carbon Tax Bill, 2015.
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## **2. PROVINCIAL LEGISLATION**

### **2.1 EASTERN CAPE**

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

- Extension of the declaration of a local state of organic pollution disaster: Ugie Town in the Elundini Local Municipality.  
(PN134, PG3677, 3 June 2016, pg 4)

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

- *Nelson Mandela Bay Metropolitan Municipality: Notice of establishment and commencement of a municipal planning tribunal*  
(Proc 1, PG3680, 6 June 2016, pg 9)
- Notice of draft integrated land use scheme.  
(LAN49, PG3683, 13 June 2016, pg 117) *Deadline for comment: 12 August 2016*

### **2.2 WESTERN CAPE**

#### **National Environmental Management: Integrated Coastal Management Act 24 of 2008**

- Adoption of the Western Cape coastal management programme.  
(PN212, PG7620, 27 May 2016, pg 785)

#### **Western Cape Land Use Planning Act 3 of 2014**

- *Date of commencement: for Cederberg and Knysna Local Municipalities: 1 June 2016*  
(Proc 14, PG7622, 1 June 2016, pg 2)

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

- Declaration of a local drought disaster.  
(LAN61366, PG7623, 3 June 2016, pg 834)

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

- Assignment of the Western Cape Nature Conservation Board as the management authority of the Driftsands Provincial Nature Reserve.  
(PN237, PG7628, 10 June 2016, pg 858)
- Declaration of nature reserve: Papagaaiberg Nature Reserve.  
(PN238, PG7628, 10 June 2016, pg 855)



## 2.3 **NORTHERN CAPE**

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

- Notice of agreement to establish a district joint municipal tribunal between:
  - Namakwa District Municipality
  - Richtersveld Local Municipality
  - Nama Khoi Local Municipality
  - Kamiesberg Local Municipality
  - Khai-Ma Local Municipality
  - Karoo Hoogland Local Municipality(MN27, PG2020, 13 June 2016, pg 15)
- Notice of commencement of operation.  
(MN31, PG2023, 27 June 2016, pg 17)

## 2.4 **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 June 2016 to 10 July 2016.  
(PN100, PG1680, 1 June 2016, pg 4)

### **Amafa/Heritage Kwazulu-Natal**

- New submission fee structure for applications and services: 2016-2017 published with effect from 1 July 2016.  
(GenN19, PG1688, 16 June 2016, pg 9)

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

- Notice of adoption of the municipal spatial development framework 2016-2017.  
(MN93, PG1696, 30 June 2016, pg 536)

## 2.5 **LIMPOPO**

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

- Notice of commencement of the Vhembe District planning tribunal.  
(PN62, PG2715, 10 June 2016, pg 87)

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

- Environmental Implementation Plan: Second-Edition.  
(PN64, PG2715, 10 June 2016, pg 89)

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

- Declaration of nature reserves:
  - D'Nyala Musina
  - Greater Makalali
  - Manombe
  - Haenerstsburg
  - Letaba Ranch(PN68, PG2717, 17 June 2016, pg 17)

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

- Declaration as disaster areas:
  - Maruleng Local Municipality
  - Ba-Phalaborwa Local Municipality
  - Greater Tzaneen Local Municipality
  - Greater Letaba Local Municipality
  - Greater Giyani Local Municipality(PN68, PG2717, 17 June 2016, pg 17)

### 2.6 **NORTH WEST**

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

- *Declaration of a provincial state of drought disaster:*
  - *Ngaka Modiri Molema District Municipality*
  - *Dr Ruth Segomotsi Mompati District Municipality*
  - *Bojanala District Municipality*
  - *Keneth Kauda District Municipality*(Proc23, PG7659, 21 June 2016, pg 18)

### 2.7 **GAUTENG**

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

- Amendment of tariffs: assessment rates in respect of financial year 1 July 2016 to 30 June 2017; Amendment of tariffs charges: Land development applications as published under LANS 1201-1211 in PG 285 of 3 July 2015 published with effect from 1 July 2016.  
(LAN1063, PG233, 29 June 2016, pg 17)
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### **3. LOCAL LEGISLATION**

#### **3.1 KWAZULU-NATAL**

##### **Ugu District Municipality**

- Disaster management by-law published with effect from date of publication, except for the directions issued in terms of section 5, which shall commence on the date when it is issued in terms of Section 5(2).  
(MN69, PG1684, 10 June 2016, pg 4)

##### **Emadlangeni Local Municipality**

- Planning and land use management by-law.  
(GenN23, PG1690, 23 June 2016, pg 16)

#### **3.2 MPUMALANGA**

##### **Nkangala District Municipality**

- Air quality management by-law
- Municipal health services by-law
- Emergency services by-law  
(LAN45; 46 & 47, PG2701, 10 June 2016, pg 13; 60 & 165)

#### **3.3 NORTH WEST**

##### **Rustenburg Local Municipality**

- Integrated waste management by-law published and previous by-laws repealed.  
(PG136, PG3683, 13 June 2016, pg 9)

#### **3.4 EASTERN CAPE**

##### **Senqu Local Municipality**

- By-law on spatial planning and land use management.  
(PG105, PG7653, 7 June 2016, pg 29)

##### **Elundini Local Municipality**

- *Final draft by-law on spatial planning and land use management.*  
(Proc 2, PG3689, 20 June 2016, pg 9)



### 3.5 **FREE STATE**

#### **Setsoto Local Municipality**

- Water services by-law 1 of 2016 published and previous by-laws repealed.  
(PN87, PG33, 24 June 2016, pg 16)

#### **Mangaung Metropolitan Municipality**

- Discharge of industrial effluent amendment by-law.  
(PN96, PG34, 24 June 2016, pg 14)
- Building regulations by-law
- Noise control by-law
- Disaster Management by-law
- Traffic regulation by-law  
(PN103; 104; 105; 106, PG35, 24 June 2016, pgs 24; 35; 41; 45)

### 3.6 **GAUTENG**

#### **Midvaal Local Municipality**

- Water services by-law amended.  
(LAN974, PG222, 22 June 2016, pg 179)

### 3.7 **LIMPOPO**

#### **Thulamela Local Municipality**

- By-law on municipal land use planning published with effect from the date that the Act comes into operation in the municipal area of the municipality.  
(LAN99, PG2722, 24 June 2016, pg 17)

#### **Mogalakwena Local Municipality**

- *Land use management by-law.*  
(Proc 19, PG2723, 24 June 2016, pg 4)

### 3.8 **WESTERN CAPE**

#### **Bergrivier Local Municipality**

- Integrated zoning scheme by-law.  
(PN239, PG7629, 17 June 2016, pg 2)
- Draft fire safety by-law.  
(LAN61483, PG7637, 24 June 2016, pg 2)



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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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