

## 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

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

(Proc 26, GG38828, 27 May 2015, pg 3). *Date of commencement: 1 July 2015.*

**Spatial Data Infrastructure Act 54 of 2003**

(Proc 25, GG38822, 29 May 2015, pg 9). *Date of commencement of ss12 & 14 – 18: 30 days after publication of the proclamation.*

#### 1.2. NOTICES / REGULATIONS

**National Environmental Management: Biodiversity Act 10 of 2004**

- Amendments to the regulations on Bio-prospecting, access and benefit-sharing. (Gen N447, GG38809, 19 May 2015, pg 6)

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

- Declaration of land to be part of the:
  - West Coast National Park
  - Marakele National Park
  - Mountain Zebra National Park
  - Tankwa Karoo National Park
  - Richtersveld National Park
  - Table Mountain National Park
  - Namaqua National Park(Gen Ns475-481, GG38822, 29 May 2015, pg 48, 49, 50, 52, 53, 54 & 55)

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

No new items of relevance during this time period.

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

#### **Coastal Management**

- National Environmental Management: Integrated Coastal Management Act: Draft appeal regulations  
(Gen N450, GG38803, 22 May 2015, pg 42. *Deadline for comment: 22 June 2015.*)

#### **Air Quality**

- Draft National Greenhouse Gas Emission Reporting Regulations.  
(Gen N411, GG38779, 11 May 2015, pg 6). *Deadline for comment: 11 July 2015.*

#### **Energy**

- Notice of invitation for public comments on Eskom's Selective Reopener of MYPD3 application for Open Gas Cycle Turbines (OCGT) and Short Term Power Purchase Programme (STPPP) and impact of increase in Environmental Levy published.  
(Gen N449, GG38803, 22 May 2015, pg41). *Deadline for comment: 15 June 2015 at 16:00.*

#### **Biodiversity**

- Draft amendments to the Alien and Invasive Species Lists, 2015.  
(Gen N493, GG38833, 29 May 2015, pg 3) *Deadline for comment: 29 June 2015 at 16:00*

#### **Other**

- Department of Cooperative Governance and Traditional Leadership "Draft Integrated Urban Development Framework" (2014).



## **2. PROVINCIAL LEGISLATION**

### **2.1 EASTERN CAPE**

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

- Declaration notice: Nature reserves and protected environments: Lammergeier Highlands Nature Reserve; Sedarkloof Nature Reserve; Molweni Protected Environment; Cedarville Protected Environment; Renosterberg Protected Environment; Bergplaas Nature Reserve and Noorsveld Protected Environment.  
(PN33, PG3390, 8 May 2015, pg 3).

### **2.2 GAUTENG**

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

- Notice in terms of Regulation 5 (4) of the Environmental Management Framework Regulations, 2010.  
(Gen N1655, PG197, 22 May 2015, pg 3).

### **2.3 NORTH WEST**

#### **North West Parks Board Act 3 of 2015**

- Repeals: North West Parks and Tourism Board Act 3 of 1997. *Deadline for Commencement: 15 May 2015*  
(Gen N222, PG7446, 14 May 2015, pg6)

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

- Purposes of the Environmental Implementation Plan.  
(Gen N220, PG7443, 15 May 2015, pg 6).

### **2.4 WESTERN CAPE**

- Proposed Standard Draft Zoning Scheme By-law  
(PN153, PG7391, 18 May 2015, pg 2)

## **3. LOCAL LEGISLATION**

### **3.1 WESTERN CAPE**

#### **Overberg District Municipality**

- Air Quality Management By-laws.  
(LAN, PG7389, 15 May 2015, pg 756).

- Municipal Health By-laws, except for existing premises which shall come into operation within one year from date of promulgation, and Municipal Health Services By-law as published under PN7163 in PG6141 of 25 June 20014 repealed (LAN56090, PG7389, 15 May 2015, pg 779)

#### **Swartland Municipality**

- Air Quality By-law (LAN, PG7394, 22 May 2015, pg 2)

### 3.2 **GAUTENG**

#### **City of Tshwane Metropolitan Municipality**

- Notice on draft By-law for Land Use Management. (LAN893, PG206, 27 May 2015, pg 3). *Deadline for comment: 27 July 2015.*

#### **Municipal Systems Act 32 of 2000: Ekurhuleni Metropolitan Municipality**

- Notice of intention to review the Spatial Development Framework and drafting Regional Spatial Development Frameworks for regions B, C, D, E and F published for comment. (LAN885, PG205, 29 May 2015, pg 3). *Deadline for comment: 29 June 2015*

### 3.3 **NOTHERN CAPE**

#### **Sol Plaatje Local Municipality**

- Draft Spatial Planning and Land Use Management By-law. (Gen N35, PG1894, 18 May 2015, pg 6). *Deadline for comment: 18 June 2015.*

#### **ZF Mgcawu District Municipality**

- Notice of agreement to establish a Municipal Planning Tribunal with Tsantsaband, Kgatelopele, Kai !Garib and Mier Municipality. (Gen N38, PG1896, 22 May 2015, pg 2)

#### **Kamiesberg Local Municipality**

- Notice of agreement to establish a Municipal Planning Tribunal with the Namaqua District Municipality. (Gen N39, PG1897, 22 May 2015, pg 5).



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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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