

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 Water Act 36 of 1998

- Reserve determination of water resources for the Olifants-Doorn catchments. (GN189, GG41473, 02 March 2018, pg 310)

National Environmental Management Act 107 of 1998

- Gauteng Provincial Environmental Management Framework Standard, 2018 (GPEMF Standard, 2018) and Appendices published with effect from 60 days from date of publication. (GN164, GG41473, 2 March 2018, pg 167)
- Environmental Assessment Practitioners Association of South Africa (EAPASA): Approval of fees for application for registration, lodging of appeals and annual fees for registered candidate environmental assessment practitioners and registered environmental assessment practitioners. (GN196, GG41485, 7 March 2018, pg 4)
- Notice of intention to adopt the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) Phase 1 and to exclude associated activities from the requirement to obtain environmental authorisation in terms of Section 24(2)(e) published for comment. (GN213, GG41498, 16 March 2018, pg 28)



National Regular Act 47 of 1999

- Fees for nuclear authorisations payable to the Regulator for the period 1 April 2017 to 31 March 2018.
(GN92, GG41473, 02 March 2018, pg 452)

Agricultural Product Standards Act 119 of 1990

- Rules in respect of Livestock Agents, 2017.
(BN28, GG41473, 2 March 2018, pg 468)
- Regulations regarding Inspections and Appeals: Local amended with effect from 1 April 2018.
(GN204, GG41489, 09 March 2018, pg 11)
- Regulations regarding Inspections and Appeals: Export amended with effect from 1 April 2018.
(GN205, GG41489, 9 March 2018, pg 21)

National Environmental Management: Biodiversity Act 10 of 2004

- Biodiversity Management Plan for the Cape Mountain Zebra (Equus Zebra Zebra).
(GN197, GG41488, 09 March 2018, pg 16)
- Biodiversity Management Plan for the Cape Mountain Zebra (Equus Zebra Zebra).
(GN214, GG41498, 16 March 2018, pg 31)

National Environmental Management: Integrated Coastal Management Act 24 of 2008

- Reclamation of Land from Coastal Waters Regulations, 2018.
(GN206, GG41489, 09 March 2018, pg 29)

Disaster Management Act 57 of 2002

- Declaration of a national state of disaster.
(GN210, GG41493, 13 March 2018, pg 4)

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

- Notice of publication for comment of proposed amendments to regulations relating to the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators, appeals and imports.
(GN394, GG41541, 28 March 2018, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

Heritage Western Cape Policy

- Public consultation required for applications made in terms of the National Heritage Resources Act 25 of 1999 (the NHRA).
(PN42, PG7900, 16 March 2018, pg 2)

1.4 **DRAFT LEGISLATION FOR COMMENT**

National Environmental Management Act 107 of 1998

- Draft Generic Environmental Management Programme (EMPR) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure published for comment. *Deadline for comment: 11 May 2018*
(GN162, GG41473, 02 March 2018, pg 34)
- Draft Generic Environmental Programme (EMPR) for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity published for comment. *Deadline for comment: 11 May 2018*
(GN163, GG41473, 2 March 2018, pg 101)

Marketing of Agricultural Products Act 47 of 1996

- Request for the continuation of statutory measures related to levies, registration and records and returns in the read mean published for comment by directly affected groups.
(GN161, GG41473, 2 March 2018, pg 29)

2. **PROVINCIAL LEGISLATION**

2.1 **LIMPOPO**

Limpopo Environmental Management Act 7 of 2003

- Open Season: Game, 2018.
(PN41, PG2891, 23 March 2018, pg 21)

2.2 **NORTHERN CAPE**

Disaster Management Act 57 of 2002

- Namakwa and Pixley Ka Seme District Municipalities: Declaration of a provincial state of drought disaster.
(GN22, PG2170, 07 March 2018, pg 4)



2.3 **KWAZULU-NATAL**

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of the Ingula Nature Reserve.
(Proc 1, PG1935, 15 March 2018, pg 17)

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of Draft Spatial Development Framework 2018-2019 published for comment.
(MN14, PG1932, 1 March 2018, pg 3)
- Notice of agreement to establish a district Joint Municipal Planning Tribunal between Umkhanyakude District Municipality and Umhlabuyankhanya; Jozini; Mtubatuba and Big-Five Hlabisa Local Municipalities.
(MN20, PG1937, 22 March 2018, pg 409)
- Agreement for the establishment of a District Joint Municipal Planning Tribunal between Zululand District Municipality and Ulundi, Nongoma, Uphongolo, and eDube local municipalities.
(MN25, PG1938, 29 March 2018, pg 201)

Local Government: Municipal Systems Act 32 of 2000

- Standard Draft By-laws: Beaches By-law, 2018.
(PN28, PG1939, 29 March 2018, pg 3)
- Standard Draft By-laws: Fire Fighting Services By-laws ,2018.
(PN28, PG1939, 29 March 2018, pg 3)

2.4 **WESTERN CAPE**

Western Cape Land Use Planning Act 3 of 2017

- Western Cape Land Use Planning Regulations, 2015: Draft Amendment published for comment.
(PN34, PG7892, 6 March 2018, pg 2).

Disaster Management Act 57 of 2002

- Extension of declaration of a provincial state of disaster as a result of the magnitude and severity of the fires and storms in the Western Cape for one month from 1 April 2018 to 30 April 2018.
(PN47, PG7904, 29 March 2018, pg 214)



3. LOCAL LEGISLATION

3.1 KWAZULU-NATAL

Greater Kokstad Local Municipality

- Spatial Planning and Land Use Management Amendment By-law. (MN13, PG1931, 01 March 2018, pg 170)

Dannhauser Local Municipality

- Spatial Planning and Land Use Management Act 16 of 2013: Appointment of members to the Municipal Planning Tribunal published. (MN 18, PG 1935, 15 March 2018, p324)
- Constitution of the Republic of South Africa, 1996; National Road Traffic Act 93 of 1996 and Local Government: Municipal Systems Act 32 of 2000: Prevention and Suppression of Health Nuisances By-laws, 2017 published. (MN 19, PG 1935, 15 March 2018, p325)

uMzimkhulu Local Municipality

- Spatial Planning and Land Use Management Act 16 of 2013 Appointment of members to the Municipal Planning Tribunal. (MN21, PG1937, 22 March 2018, pg 423)

3.2 LIMPOPO

Thabazimbi Local Municipality

- Spatial Planning and Land Use Management Act 16 of 2013: Notice of withdrawal from the joint Waterberg District Municipal Planning Tribunal and establishment of the Thabazimbi Tribunal. (PN33, PG28885, 02 March 2018, pg 3)

Lephalale Local Municipality

- Spatial Planning and Land Use Management Act 16 of 2013; Notice of approval and adoption of Lephalale Local Municipal Land Use Scheme 2017. (PN28, PG2884, 2 March 2018, pg 22)
- Spatial Planning and Land Use Management Act 16 of 2013: Notice of approval and adoption of Lephalale Local Municipal Spatial Development Framework, 2017 and Local Spatial Development Framework for the Rural Focus Areas, 2017. (PN27, PG2884, 2 March 2018, pg 23)



3.3 **Northern Cape**

Dawid Kruiper Local Municipality:

- Spatial Planning and Land Use Management Act 16 of 2013: Notice of adoption and approval of an all-inclusive Spatial Development Framework (SDF), Land Use Management System (Zoning Scheme, Land Development Procedures and Regulations (LUMS) and By-law on Land Use Management.
(GN24, PG2171, 12 March 2018, pg 13)

3.4 **EASTERN CAPE**

Dr Beyers Naude Local Municipality

- By-law on Spatial Planning and Land Use Management.
(PN41, PG4006, 05 March 2018, pg 331)

3.5 **WESTERN CAPE**

Swartland Local Municipality

- Extension of declaration of a local state of drought disaster from 10 March 2018 until 09 April 2018.
(LAN55324, PG7894, 09 March 2018, pg 168)
- Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 24 February 2016 to 26 March 2018).
(LAN55308, PG7885, 2 March 2018, pg 132)
- Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 27 March 2018 until 26 April 2018.
(LAN55379, PG7904, 29 March 2018, pg 220)

Beaufort West Local Municipality

- Notice of adoption of the existing Spatial Development Framework as core component of the 2017 – 2022 Integrated Development Plan for the period 1 July 2017 to 30 June 2022.
(LAN55339, PG7899, 16 March 2018, pg 183)

Witzenberg Local Municipality

- Extension of declaration of a local state of drought disaster from 1 March 2018 until 31 March 2018.
(LAN55334, PG7894, 09 March 2018, pg 171)

City of Cape Town Metropolitan Municipality

- Extension of declaration of a local state of drought disaster from 19 March 2018 until 19 April 2018.
(LAN55346, PG7899, 16 March 2018, pg 186)
- Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 27 March 2018 until 27 April 2018.
(LAN55347, PG7899, 16 March 2018, pg 187)

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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