

Environmental Legislation Update

01 June 2018 – 30 June 2018
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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 Heritage Resources Act 25 of 1999

- South African Heritage Resources Agency: Declaration of geo-sites as part of the Barbeton Makhonjwa Mountain as national Heritage Sites.
(GN585, GG41704, 15 June 2018, p16)

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act 36 of 2013

- Determination of rate of levy for 2016 tax period and payment date.
(GN621, GG41722, 22 June 2018, pg 72)
- Determination of rate of levy for 2016 tax period and payment date.
(GN646, GG41738, 29 June 2018, pg 87)

Mineral and Petroleum Resources Development Act 28 of 2002

- Restriction in terms of Section 49(1) on granting of new applications for technical co-operation permits, exploration rights and production rights in terms of Sections 76, 79 and 83 of the Act. (GN657, GG41743, 28 June 2018, pg 4)

Aquaculture Development Bill, 2018

[B22-2018]

1.3 **RULES, GUIDELINES & POLICIES**

Nothing to report for this period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Agricultural Product Standards Act 119 of 1990

- Proposed inspection fees published for comment. *Deadline for comment: 27 July 2018* (GN339, GG41704, 15 June 2018, pg 374)

Department of Agriculture, Forestry and Fisheries

- Notice of publication for comment of Draft National Inland Fisheries Policy. *Deadline for comment: 31 July 2018.* (GN614, GG41772, 22 June 2018, pg 16)

National Environmental Management: Biodiversity Act 10 of 2004

- Extension of comment period on the Draft Alien and Invasive Species Regulations, 2017 published for comment in GN112, GG41445 of 16 February 2018 and the draft amendments to the Alien and Invasive Species lists published for comment in GN115, GG41445 of 16 February 2018. *Deadline for comment: 23 July 2018* (GN616, GG41722, 22 June 2018, pg 38)

Draft Climate Change Bill, 2018

- Published for comment. *Deadline for comment: 31 August 2018* (GN580, GG41689, 8 June 2018, pg 48)



2. PROVINCIAL LEGISLATION

2.1 NORTH WEST

National Environmental Management: Protected Areas Act 57 of 2003

- Amendment to the appointment of the management authority of Molopo Oog Nature Reserve as published under PN178, PG7690 of 13 September 2016. (GN62, PG7891, 5 June 2018, pg 18)

2.2 KWAZULU-NATAL

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of areas as part of the uMgano Nature Reserve and the assignment of the uMgano Development Corporation as the management authority. (PN61, PG1967, 28 June 2018, pg 11)

3. LOCAL LEGISLATION

3.1 GAUTENG

Lesedi Local Municipality

- Consolidated by-laws supplementary to the National Building Regulations and Building Standards Act 103 of 1997. (PN560, PG153, 6 June 2018, pg 133)

City of Johannesburg Metropolitan Municipality

- Extension of the declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area for a further month. (PN648, PG173, 21 June 2018, pg 3)

3.2 KWAZULU-NATAL

Newcastle Local Municipality

- Noise Control By-laws 2017 and Municipal Water Services By-law. (MN46 and 49, PG1961, 07 June 2018, pg 105 and 134)
- Prevention and Suppression of Health Nuisance By-laws 2017. (MN53, PG1961, 07 June 2018, pg 397)

Zululand District Municipality

- Appointment of members to the Joint Municipal Planning Tribunal.
(MN58, PG1964, 14 June 2018, pg 250)

Ugu District Municipality

- Public Health By-laws, 2017.
(MN60, PG1965, 21 June 2018, pg 252)

3.3 **MPUMALANGA**

Senqu Local Municipality

- Land Use Scheme Regulations.
(PN100, PG4059, 11 June 2018, pg 11)

Chris Hani District Municipality

- Appointment of additional members to the Municipal Planning Tribunal.
(LAN99, PG4059, 11 June 2018, pg 127)

Chief Albert Luthuli Local Municipality

- Notice of adoption of the final Land Use Scheme.
(PROC28, PG2937, 15 June 2018, pg 13)
- Notice of adoption of the final Spatial Development Framework Report.
(PN87, PG2937, 15 June 2018, pg 23)

3.4 **FREE STATE**

Matjhabeng Local Municipality

- Appointment of an additional external member of the Municipal Planning Tribunal.
(PN17, PG23, 08 June 2018, pg 2)

Mangaung Metropolitan Municipality

- Sewerage Disposal Services, Waste Management Service and Water Supply Services published with effect from 1 July 2018.
(PN35, PG30, 22 June 2018, pg 5)

Mafube Local Municipality

- Appointment of municipal and external members of the Municipal Planning Tribunal. (PN40, PG32, 29 June 2018, pg 6)

3.5 **NORTH WEST**

Mahikeng Local Municipality

- Notice of review of the Draft Spatial Planning Development Framework (SDF) published for comment. (LAN51, PG7892, 12 June 2018, pg 51)

Mahikeng Local Municipality

- Adoption of the Land Use Scheme 2018. (LAN52, PG7892, 12 June 2018, pg 52)

3.6 **WESTERN CAPE**

Stellenbosch Local Municipality

- Notice of adoption of minor amendments to the Municipal Spatial Development Framework (MSDF) for WC024. (LAN55411, PG7938, 08 June 2018, pg 432)

Swartland Local Municipality

- Extension of declaration of a local state of drought disaster from 11 June 2018 to 10 July 2018. (LAN55422, PG7938, 08 June 2018, pg 439)
- 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 29 May 2018 to 28 June 2018. (LAN55876, PG7935, 1 June 2018, pg 408)

City of Cape Town Metropolitan Municipality

- 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 30 June 2018 until 30 July 2018. (LAN55438, PG7941, 15 June 2018, pg 486)
- Extension of declaration of a local state of drought disaster for a further one month from 22 June 2018 to 22 July 2018. (LAN55437, PG7941, 15 June 2018, pg 486)



Drakenstein Local Municipality

- Notice of adoption of the annual amendment of the Municipal Spatial Development Framework (SDF) for WC023.
(LAN55455, PG7945, 22 June 2018, pg 496)

Matzikama Local Municipality

- Approved amendment to the Spatial Development Framework, 2018.
(LAN55457, PG7945, 22 June 2018, pg 500)

3.7 EASTERN CAPE

Nelson Mandela Bay Metropolitan Municipality

- Notice of the establishment of a single municipal Planning Tribunal (MPT) to exercise the powers to determine Land Use and Development Applications within its area of jurisdiction.
(Proc5, PG4065, 25 June 2018, pg 32)

OR Tambo District Municipality

- Notice of appointment of District Municipal Planning Tribunal (DMPT) members, and readiness of the DMPT to commence with its operations.
(LAN119, PG4065, 25 June 2018, pg 51)

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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