

Environmental Legislation Update

1st February 2016 – 29th February 2016
Volume 13, Issue 2

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

National Environmental Management: Integrated Coastal Management Act 24 of 2008

- *Date of commencement of Sections 65, 66, 95, 96 and 98: 5 February 2016.*
(Proc5, GG39657, 5 February 2016)

Repeals the Sea-shore Act 21 of 1935 (to the extent that it has not been assigned to provinces) and the Dumping at Sea Control Act 73 of 1980.

National Environmental Management: Protected Areas Act 57 of 2003

- Schedule 2: National Park Areas substituted.
(GN2, GG39728, 25 February 2016, pg 4)

1.2 NOTICES / REGULATIONS

Subdivision of Agricultural Land Act 70 of 1970

- Exclusion of land in the district of Mossel Bay from the application of the Act.
(GN150, GG39657, 5 February 2016, pg 11)



Genetically Modified Organisms Act 15 of 1997

- Regulations amended with effect from 1 April 2016.
(GN3, GG39679, 12 February 2016, pg 12)
- Tariffs for services amended with effect from 1 April 2016.
(GN5, GG39679, 12 February 2016, pg 16)

National Water Act 36 of 1998

- Sand-Vet Water Users Association Water Supply Scheme: Limitation of the use of water in terms of item 6 of schedule 3 to the Act for urban and irrigation purposes.
(GN19, GG39679, 12 February 2016, pg 81)
- Caledon Modder Subsystem: Limitation of the use of water in terms of item 6 of schedule 3 to the Act for urban and irrigation purposes.
(GN20, GG39679, 12 February 2016, pg 82)
- Kalkfontein Water Users Association Water Supply Scheme: Limitation of the use of water in terms of item 6 of schedule 3 to the Act for urban and irrigation purposes.
(GN9, GG39718, 19 February 2016, pg 20)

National Environmental Management Act 107 of 1998

- Department of Health: Environmental Management Plan.
(GN2, GG39730, 25 February 2016, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Water

- Proposed construction of the Cwabeni off-channel storage dam and the environmental impact assessment relating thereto.
(GN139, GG39649, 3 February 2016, pg 4) *Deadline for comment: 3 April 2016*
- Proposal for the establishment of the Berg-Olifants catchment management agency for comment.
(GN152, GG39657, 5 February 2016, pg 14) *Deadline for comment: 5 April 2016*
- Draft National Sanitation Policy 2016
(GenN 70, GG39688, 12 February 2016, pg 4) *Deadline for comment: 12 May 2016*

Protected Areas

- Draft notices declaring the following Marine Protected Areas under Section 22A of the Act published for comment:
 - Port Elizabeth Corals
 - Benguela Bank
 - iSimangaliso
 - Agulhas Front
 - Browns Bank Corals
 - Childs Bank
 - Browns Bank Complex
 - Agulhas Bank Complex
 - Aliwal Shoal
 - uThukela Banks
 - Amathole Offshore
 - Agulhas Muds
 - Browns Bank Corals
 - Addo Elephant
 - Southwest Indian Seamount
 - Robben Island
 - Southeast Atlantic Seamount
 - Namaqua Fossil Forest
 - Namaqua National Park
 - Protea Banks
 - Orange Shelf Edge
 - Benguela Muds
 - Cape Canyon

(GNs R92-R98; R106-R109; R112; R115-R116; R120; R122; R124; R126-R129; R132 & R125 , GG39646, 3 February 2016, pg 5; 9; 13; 16; 19; 23; 26; 99; 103; 106; 110; 144; 180; 184; 234; 249; 264; 280; 284; 288; 291; 311; 333) *Deadline for comment: 3 May 2016*
- Draft Namaqua Fossil Forest Marine protected area regulations.
(GN R99, GG39646, 3 February 2016, pg 30) *Deadline for comment: 3 May 2016*
- Draft Protea Banks Marine protected area regulations.
(GN R100, GG39646, 3 February 2016, pg 38) *Deadline for comment: 3 May 2016*
- Draft Port Elizabeth Corals Marine protected area regulations.
(GN R101, GG39646, 3 February 2016, pg 50) *Deadline for comment: 3 May 2016*
- Draft Agulhas Bank Complex Marine protected area regulations.
(GN R102, GG39646, 3 February 2016, pg 59) *Deadline for comment: 3 May 2016*
- Draft uThukela Banks Marine protected area regulations.
(GN R103, GG39646, 3 February 2016, pg 68) *Deadline for comment: 3 May 2016*
- Draft Orange Shelf Edge Marine protected area regulations.
(GN R104, GG39646, 3 February 2016, pg 83) *Deadline for comment: 3 May 2016*



- Draft Benguela Bank Marine protected area regulations.
(GN R105, GG39646, 3 February 2016, pg 91) *Deadline for comment: 3 May 2016*
- Draft Aliwal Shoal Marine protected area regulations.
(GN R110, GG39646, 3 February 2016, pg 114) *Deadline for comment: 3 May 2016*
- Draft Agulhas Muds Marine protected area regulations.
(GN R111, GG39646, 3 February 2016, pg 135) *Deadline for comment: 3 May 2016*
- Draft Amathole Offshore Marine protected area regulations.
(GN R113, GG39646, 3 February 2016, pg 148) *Deadline for comment: 3 May 2016*
- Draft Addo Elephant Marine protected area regulations.
(GN R114, GG39646, 3 February 2016, pg 159) *Deadline for comment: 3 May 2016*
- Draft Browns Bank Corals Marine protected area regulations.
(GN R117, GG39646, 3 February 2016, pg 188) *Deadline for comment: 3 May 2016*
- Draft iSimangaliso Marine protected area regulations.
(GN R118, GG39646, 3 February 2016, pg 196) *Deadline for comment: 3 May 2016*
- Draft Robben Island Marine protected area regulations.
(GN R119, GG39646, 3 February 2016, pg 222) *Deadline for comment: 3 May 2016*
- Draft Southwest Indian Seamount Marine protected area regulations.
(GN R121, GG39646, 3 February 2016, pg 238) *Deadline for comment: 3 May 2016*
- Draft Southeast Atlantic Seamount Marine protected area regulations.
(GN R123, GG39646, 3 February 2016, pg 253) *Deadline for comment: 3 May 2016*
- Draft Namaqua National Park Marine protected area regulations.
(GN R125, GG39646, 3 February 2016, pg 268) *Deadline for comment: 3 May 2016*
- Draft Benguela Muds Marine protected area regulations.
(GN R130, GG39646, 3 February 2016, pg 295) *Deadline for comment: 3 May 2016*
- Draft Browns Bank Complex Marine protected area regulations.
(GN R131, GG39646, 3 February 2016, pg 303) *Deadline for comment: 3 May 2016*
- Draft Agulhas Front Marine protected area regulations.
(GN R133, GG39646, 3 February 2016, pg 315) *Deadline for comment: 3 May 2016*
- Draft Cape Canyon Marine protected area regulations.
(GN R134, GG39646, 3 February 2016, pg 324) *Deadline for comment: 3 May 2016*
- Draft Child's Bank Marine protected area regulations.
(GN R186, GG39705, 17 February 2016, pg 4) *Deadline for comment: 3 May 2016*
- Notice of intention to declare certain land situated in the Eastern Cape Province as part of the Addo Elephant National Park.
(GenN2, GG39739, 26 February 2016, pg 4) *Deadline for comment: 26 April 2016*

- Notice of intention to declare certain land situated in the registration division, Limpopo Province as part of the Leopard Cave Safaris Private Nature Reserve. (GenN3, GG39736, 26 February 2016, pg 76) *Deadline for comment: 26 April 2016*

Agriculture, Forestry and Fisheries

- Draft Aquaculture Bill. (GenN78, GG39713, 19 February 2016, pg 4) *Deadline for comments: 31 March 2016*
 - Draft Aquaculture Bill, 2016 published for comment and GenN 78 in GG 39713 of 19 February 2016 withdrawn. (GenN190, GG39723, 23 February 2016, pg 4) *Deadline for comments: 31 March 2016*
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2. PROVINCIAL LEGISLATION

2.1 EASTERN CAPE

Sea-shore Act 21 of 1935

- Proposed lease of three sites situated below the high-water mark of the Gonubie River Gonubie, Eastern Cape for the construction of a slipway and two floating jetties. (GenN1, PG3583, 1 February 2016, pg 10) *Deadline for comment: 2 March 2016*

National Environmental Management: Integrated Coastal Management Act 24 of 2008

- Notice of intention to adopt: the coastal setback lines. (GenN8, PG3584, 1 February 2016, pg 4) *Deadline for comment: 2 March 2016*
- Notice of intention to adopt the Estuarine Management Plan for Nahoon Estuary. (GenN9, PG3584, 1 February 2016, pg 85) *Deadline for comment: 2 March 2016*

2.2 WESTERN CAPE

Western Cape Land Use Planning Act 3 of 2014

- Date of commencement Drakenstein, Overstrand and Swellendam Municipalities: 1 February 2016. (Proc2, PG7558, 1 February 2016, pg 2)

2.3 MPUMALANGA

Municipal Structures Act 117 of 1998

- Transitional measures to facilitate integrated development-planning, budgeting, and the preparation of financial statements and the levying of rates in municipalities affected by the re-determination of boundaries. (GenN25, PG2648, 12 February 2016, pg 4)

Municipal Systems Act 23 of 2000

- Notice of standard draft by-laws.
(PN11, PG2651, 19 February 2016, pg 4) *Deadline for comment: 11 March 2016*

National Environmental Management Act 107 of 1998

- Environmental Implementation Plan (2015 - 2020).
(PN15, PG2657, 29 February 2016, pg 4)

2.4 **GAUTENG**

Disaster Management Act 57 of 2002

- Notice of extension of declaration of local state of disaster as published under LAN 1935 in PG 526 of 25 November 2015 published with effect from 16 February 2016.
(LAN251, PG61, 24 February 2016, pg 4)

2.5 **NORTHERN CAPE**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of intention to review and expand the spatial development framework (SDF).
(GenN2, PG1989, 22 February 2016, pg 10)
- Notice of agreement to establish a joint municipal planning tribunal with Mier; Kai; !Garib; Tsantsabane; Kgatelopele; and !Kheis local municipalities.
(GenN15, PG1990, 29 February 2016, pg 58)
- Notice of commencement of the ZF Mgcawu joint municipal planning tribunal as published under GenN 199 in PG 1979 of 14 December 2015 corrected.
(ON2, PG1990, 29 February 2016, pg 59)
- Notice of agreement to establish a district municipal tribunal between Ga-Segonyana; Gamagara; Joe Morolong local municipalities; and John Taolo Gaetsewe District Municipality.
(GenN18, PG1991, 29 February 2016, pg 94)

2.6 **NORTH WEST**

North West Department of Rural, Environment and Agricultural Development

- Draft North West Biodiversity Act, 2015 together with the memorandum on the objects of the bill published for the comment and previous Bill as published under PN 18 in PG 7603 of 3 February 2016 withdrawn.
(PN21, PG7606, 5 February 2016, pg 4)

Nature Conservation Ordinance 12 of 1983: Correction Notice: North West Hunting Regulations, 2016

- Extraordinary National Gazette No 7603 of 3 February 2016 is hereby withdrawn and replaced with the following:
 - North West Department of Rural, Environment and Agricultural Development
 - The North West Hunting Regulations, 2016
- Regulations pertaining to the hunting of identified non-exempted game species on private, government and community owned land, and the hunting of identified bird species in the North West Province and procedures for the granting of licenses and fees in respect thereof, in terms of:
 - Sections 17 and 102(1)(i) of the Nature Conservation Ordinance, No. 12 of 1983 (Transvaal Province)
 - Section 10, 29(i)(b) and 29(i)(k) of the Bophuthatswana Nature Conservation Act, No. 3 of 1973
 - Sections 78(a)(i), 79(a)(i) and 82(i)(o) of the Cape Nature and Environmental Conservation Ordinance, No. 19 of 1974 (Cape Province)

2.7 **KWAZULU-NATAL**

Disaster Management Act 57 of 2002

- Notice of extension of the declaration of a Kwazulu-Natal provincial state of drought disaster for a period of one month from 11 February 2016 to 10 March 2016.
(PN25, PG1600, 8 February 2016, pg 4)

National Environmental Management Act 107 of 1998

- Kwazulu-Natal Environmental Implementation Plan (EIP) (Third Edition, 2015-2020)
(GenN2, PG1603, 11 February 2016, pg 11)

Kwazulu-Natal Planning and Development Act 6 of 2008

- *Repeal of section 67ter of the Town Planning Ordinance 27 of 1949*: with effect from 1 February 2016.
(PN2, PG1614, 25 February 2016, pg 10)

2.8 **LIMPOPO**

Spatial Planning and Land Use Management Act 16 of 2013

- Public notice for the establishment of municipal planning tribunal:
 - Vhembe District Municipality
(PN11, PG2675, 19 February 2016, pg 16)

- Agreement on the modalities for the establishment of the interim district municipal planning tribunal:
 - Vhembe District Municipality
 - Musina Local Municipality
 - Mutale Local Municipality
 - Thulamela Local Municipality
 - Waterberg District Municipality
 - Modimolle Local Municipality
 - Mogalakwena Local Municipality
 - Lephhalale Local Municipality
- (PN12; 19 & 20, PG2675, 19 February 2016, pg 17; 36 & 48)
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3. LOCAL LEGISLATION

3.1 KWAZULU-NATAL

Ubuhlebezwe Local Municipality

- Draft by-laws:
 - Building regulations
 - General and nuisance
 - Public roads
 - Municipal public transport
 - Waste management
 - Storm water management
- (PNs 31; 33; 38; 46; 48 & 51, PG1602, 9 February 2016, pg 62; 90; 185; 343; 375; 4)

Umvoti Local Municipality

- Building control by-law
(MN20, PG1606, 12 February 2016, pg 4)

uMdoni Local Municipality

- Planning and land use management by-law:
(MN 2, PG1612, 19 February 2016, pg 4)

Umzumbe Local Municipality

- Planning and land use management by-law:
(MN 3, PG1612, 19 February 2016, pg 97)



Nquthu Local Municipality

- Spatial planning and land use management by-law:
(MN 2, PG1619, 26 February 2016, pg 4)

Ubuhlebezwe Local Municipality

- Planning and land use management by-law:
(MN 3, PG1619, 26 February 2016, pg 101)

KwaDukuza Local Municipality

- Spatial planning and land use management by-law:
(MN 4, PG1619, 26 February 2016, pg 198)

Nongoma Local Municipality

- Spatial planning and land use management by-law:
(MN 5, PG1619, 26 February 2016, pg 301)

KwaSani Local Municipality

- Planning and land use management by-law:
(MN 6, PG1619, 26 February 2016, pg 400)

Ndwedwe Local Municipality

- Planning and land use management by-law.
(MN 7, PG1619, 26 February 2016, pg 495)

Umzimkhulu Local Municipality

- Planning and land use management by-law:
(MN 8, PG1619, 26 February 2016, pg 597)

3.2 **NORTHERN CAPE**

Dikgatlong Local Municipality

- By-law on municipal land use planning.
(GenN9, PG1986, 8 February 2016, pg 10)

Thembelihle Local Municipality

- By-law on municipal land use planning.
(GenN14, PG1990, 29 February 2016, pg 10)

Gamagara Local Municipality

- Spatial planning and land use management by-law.
(GenN16, PG1991, 29 February 2016, pg 4)

Nama Khoi Local Municipality

- By-law on municipal land use planning.
(GenN17, PG1991, 29 February 2016, pg 50)

3.3 **WESTERN CAPE**

Knysna Local Municipality

- Roads and traffic by-law published and previous by-laws repealed.
(LAN47947, PG7564, 12 February 2016, pg 294)
- By-law on municipal land use planning published with effect from the date that the Western Cape Land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality.
(LAN47975, PG7565, 12 February 2016, pg 2)

3.4 **MPUMALANGA**

Emalahleni Local Municipality

- By-laws published and previous by-laws repealed:
 - Heritage resources
 - Waste management
 - Community fire safety
(LANs10; 11; 13, PG3593, 15 February 2016, 51; 60; 89)

Govan Mbeki Local Municipality

- Spatial planning and land use management by-law
(PN10, PG2650, 17 February 2016, pg 4)

Emalahleni Local Municipality

- Spatial planning and land use management by-law
(PN4, PG2653, 24 February 2016, pg 4)

3.5 **NORTH WEST**

Madibeng Local Municipality

- Water and sanitation by-law
(LAN17, PG7602, 2 February 2016, pg 4)

Moses Kotane Local Municipality

- By-law on spatial planning and land use management. (LAN19, PG7610, 12 February 2016, pg 4)

3.6 **FREE STATE**

- By-law on municipal land use planning published with effect from a date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality:
 - Nala Local Municipality
 - Tswelopele Local Municipality (PNs185 & 186, PG140, 29 January 2016, pg 2 & 51)

3.7 **EASTERN CAPE**

Spatial Planning and Land Use Management Act 16 of 2013

- By-laws on spatial planning and land use management published with effect from the date of publication in the Provincial Gazette:
 - Ndlambe Local Municipality
 - Kpuga Local Municipality
 - Mbizana Local Municipality
 - Engcobo Local Municipality (GNs2 - 5, GG39733, 26 February 2016, pg 4; 112; 222 & 332)

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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