

## Environmental Legislation Update

1<sup>st</sup> June 2015 – 30<sup>th</sup> June 2015  
Volume 12, Issue 6

*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.*

To become a monthly or annual subscriber to our more detailed legal updates, please contact Annielene Kisten-Swarts ([kisten-swarts@wylie.co.za](mailto:kisten-swarts@wylie.co.za)) for further information and a quotation.

### 1. NATIONAL LEGISLATION

#### 1.1. ACTS / AMENDMENT ACTS

No new items of relevance during this time period.

#### NOTICES / REGULATIONS

##### **Mineral and Petroleum Resources Development Act 28 of 2002**

- Regulations for petroleum exploration and production.  
(GN R466, GG38855, 3 June 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 N534-540, GG38844, 5 June 2015, pgs 60, 61, 62, 64, 65, 66 & 67)

#### **National Environmental Management: Air Quality Act 39 of 2004**

- Amendments to the list of activities which result in atmospheric emission which have or may have a significant detrimental effect on the environment, including health social conditions, economic conditions, ecological conditions or cultural heritage.  
(Gen N551, GG38863, 12 June 2015, pg 49)

#### **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

- South African Heritage Resources Agency (SAHRA): Declaration of the Broster Beadwork Collection as a Specifically Declared Collection published.  
(GN 513, GG 38877, 19 June 2015, pg 9)

### 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 emission reporting regulations, 2015 published for comment and Gen N411 in GG38779 of 11 May 2015 replaced.  
(Gen N541, GG38857, 5 June 2015, pg 6). *Deadline for comment: 4 August 2015*
- Draft regulations prescribing the atmospheric emission licence processing fee.  
(Gen N550, GG38863, 12 June 2015, pg 45). *Deadline for comment: 12 July 2015*
- Draft air quality offsets guideline published for comment.  
(Gen N38894, GG38894, 26 June 2015, pg 54). *Deadline for comment: 26 July 2015*

#### **Biodiversity**

- Draft biodiversity management plan for the eleven critically endangered and four endangered *Encephalartos* (Cycad) species published for comment.  
(Gen N503, GG38844, 5 June 2015, pg 45) *Deadline for comment: 5 July 2015*

#### **Agriculture, Forestry and Fisheries**

- Draft climate change adaptation and mitigation plan for the South African Agricultural and Forestry Sectors published for comment.  
(Gen N500, GG38851, 3 June 2015, pg 3) *Deadline for comment: 3 August 2015*

## Marine Living Resources

- Draft 2015 policies on the allocation and management of fishing rights in the following fisheries published for comment:
  - Large Pelagic (Tuna and Swordfish longline)
  - Hake Inshore Trawl
  - Horse Mackerel
  - KwaZulu-Natal Sardine Beach Seine
  - Netfish
  - Patagonian Toothfish
  - West Coast rock lobster (offshore)
  - Seaweed
  - West Coast rock lobster commercial (nearshore)
  - Abalone(GNs 494-504, GG38871, 12 June 2015) *Deadline for comment: 12 July 2015*
- Draft: important information and general instructions for fisheries management (fishing rights allocation process 2015/2016)  
(GNs 505 & 506, GG 38871, 12 June 2015, pgs 158 & 172)
- Draft: Schedule B of fees payable in terms of section 25 (1) and (2) of the Act.  
(GN 507, GG38871, 12 June 2015, pg 185)
- Draft policy on the allocation and management of fish processing rights: 2015.  
(GN 508, GG 38871, 12 June 2015, pg 186)

## Disaster Management

- Disaster Management Amendment Bill, 2015 [B10A-2015] & [B10B-2015].

## 2. PROVINCIAL LEGISLATION

### 2.1 KWAZULU-NATAL

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

- Consultation process in terms of the Act: Intention to declare a protected area a trans-provincial nature reserve.  
(PN30, PG1384, 25 June 2015, pg 9)

### 2.2 LIMPOPO

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

- Declaration of protected environment: Portions 25 to 47 of Grootvalley published.  
(Gen N219, PG2530, 18 June 2015, pg 3).



## 2.3 WESTERN CAPE

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

- Heritage Western Cape: Declaration of Heritage Resources as Provincial Heritage Sites Blombos Cave and associated archaeological sites, Hessequa; and Elandsfontein Fossils Beds, Saldanha Bay published.  
(PNs 163 & 164, PG7396, 29 May 2015, pg 855 & 858)

### **Cape Metro & Greater Saldanha Functional Regions**

- Notice of commencement of provincial regional spatial implementation frameworks published for comment.  
(PN188, PG7404, 19 June 2015, pg 1221)

### **Western Cape Land Use Planning Act, 2014**

- Date of commencement except for sections 22(4), 25, 26, 27, 28(c) and 66(4)(c): 1 July 2015.  
(Proc N9, PG7410, 26 June 2015, pg 1362)

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

- Heritage Western Cape Regulations: Draft for comment.  
(PN201, PG7410, 26 June 2015, pg 1367)

### **Western Cape Land Use Planning Act**

- Western Cape land use planning regulations, 2015.  
(PN203, PG7412, 26 June 2015, pg 2)

## 3. LOCAL LEGISLATION

### 3.1 WESTERN CAPE

#### **Stellenbosch Municipality**

- Notice of availability of the air quality management plan published for comment.  
(LAN56857, PG7396, 29 May 2015, pg 874)

#### **Swellendam Local Municipality**

- Storm Water Management by-laws.
- By-Law relating to water and sanitation services and industrial effluent.  
(LAN, PG7400, 5 June 2015, pgs 943 & 1026)

### **Swartland Local Municipality**

- By-law relating to public nuisances published.
- By-law relating to the prevention and suppression of nuisances as published.  
(LAN59651, PG7402, 12 June 2015, pg 2)

### **Beaufort West Local Municipality**

- By-law on Municipal land use planning published and by-law relating to the management and administration of the Municipality's immovable property as published under Notice 94 of 2003 repealed.  
(LAN59681, PG7404, 19 June 2015, pg 1280)

### **Kannaland Local Municipality**

- Municipality standard by-law on Municipal land use planning.  
(PN207, PG7415, 26 June 2015, pg 2)

## 3.2 **LIMPOPO**

### **Thulamela Local Municipality**

- Land use management and building regulation by-Law.
- Waste Management by-law published with effect from date determined by the Municipality in the Provincial Gazette and previous by-laws repealed.
- Heritage Resources and Cultural Institutions by-law published and previous by-laws repealed.
- By-laws for roads, traffic and safety published and previous by-laws repealed.
- 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 and previous by-laws.  
(LAN, PG2517, 8 June 2015, pg 168)

### **Makhado Local Municipality**

- Building regulations by-law.
- By-law relating to the control of inflammable liquids and substances.
- Refuse removal by-Law.  
(LAN85, 78, 74, PG2518, 12 June 2015, pgs 81, 74, 67)
- Stormwater Management by-law.  
(LAN101, PG2527, 17 June 2015, pg 69)

## 3.3 **FREE STATE**

### **Kopanong Local Municipality; Mohokare Local Municipality & Dihlabeng Local Municipality**

- By-law on Municipal Land Use Planning published and previous by-laws repealed with effect from the date that the Spatial Planning and Land Use Management Act comes into operation in the municipal area of the Municipality.  
(PG25, 12 June 2015, pg 7, 66 & 125)



### 3.4 **KWAZULU-NATAL**

#### **Msunduzi Municipality**

- Public health by-laws, 2015 published and public health by-laws, except Sections 22 and 26.
- Regulations for the control of offensive trades in Pietermaritzburg.  
(MN100, PG1394, 25 June 2015, pg 6)

### 3.5 **MPUMALANGA**

#### **Sibande District Municipality**

- Spatial Planning and Land Use Management Act: Notice of establishment of the Gert Sibande District Municipal Planning Tribunal published.  
(GN225, PG2479, 5 June 2015, pg 2)

### 3.6 **NORTHERN CAPE**

#### **John Taolo Gaetsewe District Municipality**

- Spatial Planning and Land Use Management Act: Notice of intention to establish a District Municipal Planning Tribunal and District Appeals Authority published for comment.  
(Gen N50, PG1903, 10 June 2015, pg 3)

---

***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 –***

#### **Ian Sampson (Partner)**

Johannesburg:	Tel: +27 11 290 2540	Fax: +27 11 783 1301
Durban:	Tel: +27 31 575 7205	Fax: +27 31 575 7200
	Cell: +27 82 775 3720	Email: sampson@wylie.co.za

#### **Janice Tooley (Partner)**

Durban:	Tel: +27 31 575 7212	Fax: +27 31 575 7200
	Cell: +27 82 450 5671	Email: tooley@wylie.co.za

#### **Siya Mkhize (Candidate Attorney)**

Durban:	Tel: +27 31 575 7224	Fax: +27 31 575 7200
	Cell: +27 82 562 3674	Email: smkhize@wylie.co.za