

Environmental Legislation Update

1st March 2015 – 31st March 2015
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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

No new items of relevance during this time period.

1.2. NOTICES / REGULATIONS

National Environmental Management Act 107 of 1998

- National Appeal Amendment Regulation (w.e.f. 12 March 2015).
(Gov NR205, GG38559, 12 March 2015, pg 3)

Spatial Planning and Land Use Management Act 16 of 2013

- Spatial Planning and Land Use Management Regulations: Land Use Management and General Matter, 2015 published with effect from a date to be determined by the Minister.
(GN R239, GG38594, 23 March 2015, pg 4)

National Water Act 36 of 1998

- Restrictions on the use of water for domestic, industrial and agricultural use from the Algoa Water Supply System, in the Mzimvubu-Tsitsikamma Water Management Area in the Eastern Cape Province. (w.e.f. 1 March 2015)
(GN 240, GG38596, 24 March 2015, pg 3)
- Final allocation schedule of the Mhlathuze River Catchment. (w.e.f. 25 March 2015)
(GN 242, GG38599, 25 March 2015, pg 2)

National Environmental Management: Biodiversity Act 10 of 2004

- South African Shark Biodiversity Management Plan
(GN 258, GG38607, 25 March 2015, pg 5)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Waste

- Regulations for Admission of Guilt Fines: National Environmental Management Waste Act, 2008 (Act No. 59 of 2008)
(Gen N175, GG38517, 27 February 2015, pg 3). *Deadline for comment: 30 March 2015.*

Biodiversity

- Lists of species that are threatened or protected, activities that are prohibited and exemption from restrictions. Comments invited.
(Gen N256, GG38619, 31 March 2015, pg 3). *Deadline for comment: 1 May 2015.*
- Regulations: threatened protected species.
(Gen N255, GG38600, 31 March 2015, pg 5). *Deadline for comment: 1 May 2015.*
- Biodiversity management plan for white rhinoceros.
(Gen N269, GG38619, 31 March 2015, pg 3). *Deadline for comment: 1 May 2015.*

Forestry

- Draft National Forests Amendment Bill 2015. Invitation for public comment.
(Gen N143, GG38533, 13 March 2015, pg 3). *Deadline for comment: 13 April 2015.*

Agriculture

- Draft Bill on Preservation and Development of Agricultural Land Framework. Invitation for public comment.
(Gen N210, GG38545, 13 March 2015, pg 60). *Deadline for comment: 30 May 2015.*
- Draft policy on preservation and development of agricultural land framework: Invitation for comments.
(Gen N210, GG38545, 13 March 2015, pg 60). *Deadline for comment: 30 May 2015.*

Planning

- Draft Special Economic Zones Regulations, 2014 published for comment.
(Gen N251, GG38592, 20 March 2015, pg 3). *Deadline for comment: 20 April 2015.*

Other

- Draft National Veldfire Amendment Bill 2015. Invitation for public comment.
(Gen N234, GG38574, 20 March 2015, pg 24). *Deadline for comment: 20 April 2015.*
- Draft Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, 2014 published for comment.
(Gen N243, GG38574, 20 March 2015, pg 50). *Deadline for comment: 19 May 2015.*
- Draft Regulations regarding the Registration, Reporting on Energy Management and Submission of Energy Management Plans published for comment.
(GN R259, GG38614, 27 March 2015, pg 5). *Deadline for comment: 26 May 2015.*

2. PROVINCIAL LEGISLATION

2.1 WESTERN CAPE

National Environmental Management: Air Quality Act 39 of 2004

- Cape Agulhas Local Municipality: air quality management plan.
(LAN57064, PG7363, 6 March 2015, pg 264)

2.2 LIMPOPO

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of attached respective land parcels as nature reserves in terms of the Act (Leopard Cave Safaris Nature Reserve and Olifants River Nature Reserve)
(GN83, PG2488, 20 March 2015, pg3)



2.3 **EASTERN CAPE**

National Environmental Management: Biodiversity Act 10 of 2004

- Nelson Mandela Bay Municipality: Final Bioregional Plan for the Nelson Mandela Bay Municipality published.
(PN13, PG3362, 30 March 2015, pg3)

National Environmental Management: Integrated Coastal Management Act 24 of 2008

- Notice of Public Launch Sites in the Eastern Cape in terms of the Management of Public Launch Sites in the Coastal Zone Regulations published for comment.
(PN14, PG3363, 31 March 2015, pg2) *Deadline for comment: 30 April 2015.*

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration to establish Mhlontlo Nature Reserve published
(PN15, PG3364, 31 March 2015, pg2)
- Notice of intention to declare 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 published for comment.
(PN16, PG3368, 31 March 2015, pg3) *Deadline for comment: 1 June 2015.*

2.3 **GAUTENG**

- Nature Conservation Ordinance 12 of 1983: Open Season: Ordinary Game published.
(GenN 1036, PG 90, 30 March 2015, pg3)

3. LOCAL LEGISLATION

3.1 **FREE STATE**

Moqhaka Local Municipality

- Refuse removal by-laws 2015.
- Water restriction by-laws 2015.
- Dumping and littering by-laws 2015.
- Numbering of buildings by-laws 2015.
- Storm water by-laws 2015.
- Water services by-laws 2015.
(PG117, 13 March 2015, pg 2, 6, 13, 18, 20, 21, 23 & 25)

Thabo Mofutsanyana District Municipality

- Local Government: Municipal Structures Act 117 of 1998 and Local Government: Municipal Systems Act 32 of 2000: Thabo Mofutsanyana District Municipality: Emergency Service: Fire By-Law (w.e.f. date to be proclaimed).
(PG127, 27 March 2015, pg2)

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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