

Environmental Legislation Update

1st July 2015 – 31st July 2015
Volume 12, Issue 7

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

- Waste Act: Regulations for admission of guilt fines, 2015. (Gov NR635, GG39024, 24 July 2015, pg 7)

National Environmental Management: Waste Act 59 of 2008

- Regulations regarding the planning and management of residue stockpiles and residue deposits, 2015 published.
- List of waste management activities that have, or are likely to have, a detrimental effect on the environment published in GN 921 in GG 37083 of 29 November 2013 amended. (GN R632 & R633, GG39020, 24 July 2015, pg 4 & 15)

National Water Act 36 of 1998

- Pongola-Mzimkhulu Water Management Area – Limiting the use of water in terms of item 6 of Schedule 3 of the Act of irrigation, domestic and urban purpose from Goedertrouw, Hazelmere, Klipfontein, Hluhluwe, Lake Marthley, Umzinto, EJ Smith and Buffalo System in KZN. (Gov N572, GG38924, 3 July 2015, pg 84)

Natural Scientific Professions Act 27 of 2003

- Schedule I (Fields of Practice) substituted. (Gen N680, GG38924, 3 July 2015, pg 101)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

Agriculture, Forestry and Fisheries

- Invitation to submit written comments on the proposed list of particular trees and particular groups of trees "Champion Trees" under Section 12(1)(A) and (B) of the Act. (Gen N664, GG38924, 3 July 2015, pg 86) *Deadline for comment: 3 September 2015*

Water

- Proposed classes and resource quality objectives for catchment of the following areas:
 - Olifants-doorn
 - Upper Vaal
 - Lower Vaal
 - Middle Vaal(Gov Ns 609-612, GG39001, 17 July 2015) *Deadline for comment: 17 September 2015*
- Proposed classes and resources quality of water resources for the Olifants catchment published for comment. (GN619, GG39004, 20 July 2015, pg 4) *Deadline for comment: 20 September 2015*

Waste

- Notice of intention to require the paper and packaging industry, electrical and electronic industry and lighting industry to prepare and submit industry waste management plans for approval to the Minister published for comment. (Gen N736, GG39018, 24 July 2015, pg 4) *Deadline for comment: 24 August 2015*

Environmental Management

- Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of Section 24G.
(Gov NR636, GG39024, 24 July 2015, pg 10) *Deadline for comment: 24 August 2015*

2. PROVINCIAL LEGISLATION

2.1 WESTERN CAPE

Western Cape Land Use Planning Act 3 of 2014

- Date of commencement for the City of Cape Town: 1 July 2015, except ss. 22(4), 25, 26, 27, 28 (c), and 66(4)(c).
(Proc 9, PG7410, 26 June 2015, pg 1362)
- *Repeals:* Removal of Restrictions Act 84 of 1967, in so far as assigned to the Province; Western Cape Removal of Restrictions Amendment Act 8 of 2007; ss. 8, 9, 9A and 12 of the Physical Planning Act 88 of 1967, in so far as assigned to the Province; ss. 137 and 138 of the Municipal Ordinance Act 20 of 1974; ss. 138 and 139 of the Divisional Councils Ordinance 18 of 1976; ss. 52 and 57B of the Black Communities Development Act 4 of 1984, in so far as assigned to the Province; Land Use Planning Ordinance 15 of 1985; Proclamation 100 in PG 4504 of 30 October 1987; Proclamation 6 in PG 4734 of 7 February 1992; Proclamation R168 in PG 16049 of 31 October 1994; Western Cape Act on the Amendment of the Land Use Planning Ordinance 5 of 2001; Western Cape Land Use Planning Ordinance, 1985, Amendment Act 7 of 2002; Land Use Planning Ordinance, 1985, Amendment Act 6 of 2003; Western Cape Land Use Planning Ordinance, 1985, Amendment Act 2 of 2004; Land Use Planning Ordinance, 1985, Amendment Act 5 of 2005; Western Cape Land Use Planning Ordinance, 1985, Amendment Act 1 of 2009; Western Cape Land Use Planning Ordinance Amendment Act 2 of 2011; Western Cape Land Use Planning Ordinance Second Amendment Act 3 of 2011; Regulations Relating To Township Establishment and Land Use in terms of the Black Communities Development Act, 1984, in so far as it applies to existing town planning schemes and zoning schemes referred to in section 33; Rural Areas Act (House of Representatives), 9 of 1987, in so far as assigned to the Province; The Establishment and Amendment of Town Planning Schemes for the Province of the Cape of Good Hope (Regulations in terms of the Black Communities Development Act, 1984); Less Formal Township Establishment Act 113 of 1991, in so far as assigned to the Province; Western Cape Less Formal Township Establishment Amendment Act 6 of 2007; and Western Cape Planning and Development Act 7 of 1999.

Public Launch Site Regulations

- Notice of public launch sites and the identified management bodies for each listed site for the Western Cape published.
(PN193, PG7410, 26 June 2015, pg 1365)



2.2 **GAUTENG**

National Environmental Management Act 107 of 1998

- Notice of publication and adoption of Gauteng Provincial Environmental Management Framework.
(Gen N694, GG38960, 10 July 2015, pg 19)

2.3 **NORTH WEST**

Disaster Management Act 57 OF 2002

- Declaration of provincial state of drought disaster in the Province of North West.
(Proc N6, PG7501, 24 July 2015, pg 4).

2.4 **MPUMALANGA**

National Environmental Management: Protected Areas Act 57 of 2003

- Intention to declare nature reserves:
 - Mount Morgan Nature Reserve
 - Angle Ridge Nature Reserve
 - Oosterbeek Nature Reserve
 - Ngodwana River Valley Nature Reserve

published for comment

(PN4, PG2520, 24 July 2015, pg 4) *Deadline for comment: 24 September 2015*

3. LOCAL LEGISLATION

3.1 **WESTERN CAPE**

City of Cape Town Metropolitan Municipality

- Municipal planning by-law, 2015: City of Cape Town overlay zones designation Notice, 2015 published with effect from date upon which the City of Cape Town Municipal planning by-law 2015 comes into operation.
(PN191, PG7408, 22 June 2015, pg 2)
- Municipal planning by-law.
(PN204, PG7413, 29 June 2015, pg 3)
- Municipal planning by-law.
(PN206, PG7414, 29 June 2015, pg 2)

- Notice of date of commencement of City of Cape Town: Municipal planning by-law, 2015: 1 July 2015 published.
(Proc 11, PG7413, 29 June 2015, pg 2)

Bergrivier Local Municipality

- By-law relating to Municipal land use planning.
(PN209, PG7418, 2 July 2015, pg 2)
- Notification of commencement of the process to compile an Integrated Municipal Zoning Scheme by-law and repealed the existing zoning schemes published.
(LAN58205, PG 7425, 10 July 2015, pg 1541)
- By-law on Municipal land use planning: correction notice
(PN222, PG7426, 17 July 2015, pg 1574)

Laingsburg Local Municipality

- Land use planning by-law.
(PN215, PG7424, 3 July 2015, pg 2)

Swellendam Local Municipality

- Municipal land use planning by-law.
(PN213, PG7422, 2 July 2015, pg 2)
- Correction notice for the by-law on Municipal land use planning as published under PN 213 in PG 7422 of 2 July 2015 published.
(PN219, PG7425, 10 July 2015, pg 1534)

Swartland Local Municipality

- Land use planning by-law.
(PN211, PG7420, 3 July 2015, pg 2)
- Correction notice for the by-law on Municipal land use planning as published under PN211 in PG7420 of 3 July 2015 published.
(PN217, PG7425, 10 July 2015, pg 1534)

Kannaland Local Municipality

- By-law on Municipal land use planning published with effect from the date that the Land Use Planning Act comes into operation in the Municipal area of the Municipality and various by-laws repealed.
(PN207, PG7415, 26 June 2015, pg 2)
- Land Use Planning Act: Correction notice.
(PN218, PG7425, 10 July 2015, pg 1534)

Cape Agulhas Local Municipality

- By-law on Municipal land use planning.
(PN228, PG7428, 15 July 2015, pg 2)

George Local Municipality

- Land use planning by-law.
(PN227, PG7427, 15 July 2015, pg 2)

Theewaterskloof Municipality

- By-law on Municipal land use planning published and previous by-laws repealed 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.
(PN229, PG7429, 20 July 2015, pg2)
- Waste management by-law
(LAN, PG7430, 21 July 2015, pg 2)
- Nature reserves by-law
(LAN, PG7430, 21 July 2015, pg 82)

3.2 **EASTERN CAPE**

Kouga Local Municipality

- Spatial planning and land use management by-laws.
(GN141, PG3421, 6 July 2015, pg 6)

3.3 **FREE STATE**

Mangaung Metropolitan Municipality

- Municipal land use planning by-law.
(PG35, 3 July 2015, pg 73)

3.4 **MPUMALANGA**

Mbombela Local Municipality

- Spatial planning and land use management by-law.
(LAN79, PG2503, 10 July 2015, pg 6)

Umjindi Local Municipality

- Spatial planning and land use management by-law.
(LAN81 PG2530, 24 July 2015, pg 28)



3.5 **KWAZULU-NATAL**

uMgungundlovu District Municipality

- uMgungundlovu District Municipality: Notice of agreement established a Municipal Planning Tribunal with uMngeni, uMshwathi, Mkhambathini, Richmond, Mpofana and Mpendle Local Municipalities and call for persons to serve on the Joint Municipal Planning Tribunal published. (MN134, PG1451, 27 July 2015, pg 4)

uThungulu District Municipality

- Notice of agreement to establish the uThungulu North Joint Municipal Planning Tribunal with uMhlathuze Local Municipality, uMfolozi Local Municipality, Ntambanana Local Municipality and uThungulu District Municipality. (MN138, PG1459, 30 July 2015, pg 29)

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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