

Environmental Legislation Update

1st March 2016 – 31st March 2016
Volume 13, Issue 3

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

Marine Living Resources Act 18 of 1998

- *Date of commencement: 8 March 2016.
(Proc 12, GG39790, 8 March 2016, pg 4)*

Amends Sections 1, 2, 14 & 18 and substitutes Sections 19 & 24 of the Marine Living Resources Act 18 of 1998.

1.2 NOTICES / REGULATIONS

Marine Living Resources Act 18 of 1998

- Regulations relating to small-scale fishing.
(GN229, GG39790, 8 March 2016, pg 6)

National Heritage Resources Act 25 of 1999

- Declaration of the heritage resources Klasies River Cave and Malapa Palaeo-Anthropological Site as national heritage sites.
(GN260, GG39823, 18 March 2016, pg 11)

- Declaration of the graves of Dr James Moroka and Mr Thomas Mapikela as National Heritage Sites.
(GN366, GG39860, 24 March 2016, pg 9)

National Environmental Management: Air Quality Act 36 of 2004

- Regulations prescribing the atmospheric emission licence processing fee.
(GN250, GG39805, 11 March 2016, pg 4)
- Regulations for the procedure and criteria to be followed in the determination of an administrative fine in terms of Section 22A of the Act.
(GN332, GG39833, 18 March 2016, pg 4)
- Air quality offsets guideline.
(GN333, GG39833, 18 March 2016, pg 8)

National Water Act 36 of 1998

- Limitation of the use of water in terms of item 6 of Schedule 3 to the Act of irrigation, domestic and industrial purposes from various dams and river systems in Kwazulu-Natal.
(GN369, GG39860, 24 March 2016, pg 19)

National Environmental Management: Protected Areas Act 57 of 2003

- Norms and standards for the management of protected areas in South Africa.
(GN382, GG39878, 31 March 2016, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

National Environmental Management Act 107 of 1998

- Department of Energy: 2015-2020, third edition Environmental Management Plan.
(GN255, GG39816, 16 March 2016, pg 4)

1.4 **DRAFT LEGISLATION FOR COMMENT**

Water

- Extension of comment period for proposed revision of the norms and standards in respect of tariffs for water service authorities and bulk water service providers published for comment in GenN 1153 in GG 39411 of 13 November 2015.
(GenN96, GG39781, 4 March 2016, pg 45) *Deadline for comment: 31 March 2016*
- Extension of comment period for proposed revision of the pricing strategy for water use charges in terms of Section 56(1) published for comment in GenN 1154 in GG 39411 of 13 November 2015.
(GenN96, GG39781, 4 March 2016, pg 45) *Deadline for comment: 31 March 2016*

Water and Sanitation

- Extension for comment period on draft national sanitation policy 2016 published for comment in GenN 70 in GG 39688 of 12 February 2016.
(GenN100, GG39789, 8 March 2016, pg 4) *Deadline for comment: 11 April 2016*

Energy

- Notice of intention to designate the South African Energy and Metallurgical Special Economic Zone in Musina/Makhado in the province of Limpopo.
(GenN116, GG39808, 11 March 2016, pg 4) *Deadline for comment: 11 April 2016*

Spatial Data Infrastructure

- Notice of publication for comment of the draft national standard on land cover classes and definitions.
(GenN148, GG39860, 24 March 2016, pg 21) *Deadline for comment: 23 May 2016*

Marine

- Marine Spatial Planning Bill, 2016.
(GN347, GG39847, 24 March 2016, pg 4) *Deadline for comment: 23 May 2016*
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2. PROVINCIAL LEGISLATION

2.1 EASTERN CAPE

Disaster Management Act 57 of 2002

- Extension of the declaration of a local state of drought disaster:
 - Elundini Local Municipality
 - Gariep Local Municipality
 - Maletswai Local Municipality
 - Senqu Local Municipality(PN22, PG3606, 4 March 2016, pg 4)
- Extension of the declaration of local state of organic pollution disaster: Ugie Town in the Elundini Local Municipality area.
(PN23, PG3606, 4 March 2016, pg 5)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of nature reserves and protected environments:
 - Baviaanskloof Nature Reserve
 - Sam Knott Nature Reserve
 - Skilderkrantz Nature Reserve
 - Cedarville Protected Environment
(PN24, PG3607, 4 March 2016, pg 4)

2.2 **WESTERN CAPE**

Western Cape Land Use Planning Act 3 of 2014

- Date of commencement for Witzenberg and Prince Albert Local Municipalities: 15 March 2016
(Proc5, PG7585, 15 March 2016, pg 2)
- Intention to extend nature reserves:
 - Anysberg Nature Reserve
 - Riverlands Nature Reserve
(PN87, PG7587, 24 March 2016, pg 462) *Deadline for comment: 23 May 2016*
- Intention to declare nature reserves:
 - Fontein Nature Reserve
 - Kwessie Nature Reserve
 - Triangle Nature Reserve
 - Kogelberg Nature Reserve
 - Grootvadersbosch Nature Reserve
(PN88-89, PG7587, 24 March 2016, pg 475 & 487) *Deadline for comment: 23 May 2016*

2.3 **GAUTENG**

Disaster Management Act 57 of 2002

- Notice of extension of declaration of local state of disaster as published under LAN 251 in PG 61 of 16 February 2016 published with effect from 16 March 2016.
(LAN398, PG86, 11 March 2016, pg 4)

National Environmental Management Act 107 of 1998

- Exclusions and minimum standards for listed activities to be excluded from the requirement to obtain an environmental authorisation in terms of Section 24(2)(d) and 24(10).
(PN253, PG113, 30 March 2016, pg 4) *Deadline for comment: 29 April 2016*



2.4 **NORTHERN CAPE**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of agreement to establish a joint municipal planning tribunal between:
 - ZF Mgcawu District Municipality
 - !Kheis Local Municipality
 - Kai Local Municipality
 - !Garib Local Municipality
 - Mier Local Municipality
 - Tsantsabane Local Municipality
 - Kgatelopele Local Municipality(GenN21, PG1992, 1 March 2016, pg 4)
- Establishment of a district municipal planning tribunal between:
 - John Taolo Gaetsewe District Municipality
 - Ga-Segonyana Local Municipality
 - Joe Morolong Local Municipality(MN3, PG1994, 4 March 2016, pg 48)
- Notice of commencement of the ZF Mgcawu Joint Municipal Planning Tribunal.
(ON3, PG1996, 11 March 2016, pg 4)
- Notice of commencement of the review of spatial development framework (SDF) published with effect from 1 March 2016.
(MN4, PG1998, 21 March 2016)

2.5 **KWAZULU NATAL**

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to request the MEC for Economic Development to re-declare certain nature reserves, designate a wilderness area and declare a new nature reserve.
(GenN6, PG 1621, 3 March 2016, pg 10) *Deadline for comment: 3 May 2016*

Disaster Management Act 57 of 2002

- Extension of the declaration of a Kwazulu-Natal provincial state of drought disaster for a period of one month from 11 March 2016 to 10 April 2016.
(PN63, PG1634, 8 March 2016, pg 4)

Kwazulu-Natal Amafa and Research Institute

- Kwazulu-Natal Amafa and Research Institute Bill, 2016 together with the memorandum on the objects of the Bill.
(PN64, PG1635, 9 March 2016, pg 4)

Spatial Planning and Land Use Management Act 16 of 2013

- Establishment of the uThungulu North Joint Municipal Planning Tribunal and commencement of operations.
(MN40, PG1639, 10 March 2016, pg 10)

2.6 **FREE STATE**

Disaster Management Act 57 of 2002

- Declaration of provincial state of drought disaster:
 - Mangaung Metropolitan Municipality
 - Mantsopa Local Municipality
 - Setsoto Local Municipality
 - Dihlabeng Local Municipality
 - Nketoana Local Municipality
 - Maluti-a-Phofung Local Municipality
 - Phumelela Local Municipality
 - Moqhaka Local Municipality
 - Ngwathe Local Municipality
 - Metsimaholo Local Municipality
 - Mafube Local Municipality
 - Letsemeng Local Municipality
 - Kopanong Local Municipality
 - Mohokare Local Municipality
 - Naledi Local Municipality
 - Masilonyana Local Municipality
 - Tokologo Local Municipality
 - Tswelopele Local Municipality
 - Matjhabeng Local Municipality
 - Nala Local Municipality(PN214, PG157, 4 March 2016, pg 2)

2.7 **LIMPOPO**

Municipal Structures Act 117 of 1998

- Transactional measures to facilitate integrated development-planning, budgeting, the preparation of financial statements; the levying of rates and the making of certain acting appointments in the municipalities affected by the re-determination of boundaries.
(PN29, PG2691, 18 March 2016, pg4)

Limpopo Environmental Management Act 7 of 2003

- Open Season: Game 2016.
(PN31, PG2694, 23 March 2016, pg4)



2.8 **NORTH WEST**

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of intention to declare the establishment of new Nature Reserves:
 - Rietspruit Rusoord Nature Reserve
 - Molopo Oog Nature Reserve
(GenN 36 & 38, PG7624, 11 March 2016, pg 4 & 10)
- Notice of intention to declare the establishment of new protected environment: Marico Protected Environment.
(GenN 37, PG7624, 11 March 2016, pg 5)

Bophuthatswana Nature Conservation Act 3 of 1973

- Cape Nature and Environmental Conservation Ordinance 19 of 1974 and Nature Conservation Ordinance 12 of 1983: North West hunting regulations, 2016 published with effect from a date to be determined by the MEC and PN 22 in PG 7607 of 5 February 2016 withdrawn.
(PN41, PG7631, 23 March 2016, pg4)
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3. LOCAL LEGISLATION

3.1 **KWAZULU-NATAL**

Ezinqoleni Local Municipality

- Municipal planning and land use management by-law.
(MN27, PG1622, 4 March 2016, pg 4)

uMdoni Local Municipality

- Amendment to the planning and land use management by-law, 2016 as published under MN 2 in Pg 1612 of 19 February 2016.
(MN28, PG1623, 4 March 2016, pg 4)

Dannhauser Local Municipality

- Spatial planning and land use management by-law.
(MN29, PG1624, 4 March 2016, pg 4)

Endumeni Local Municipality

- Date of commencement for the planning and land use management by-law, 2015: 1 March 2016.
(MN30, PG1625, 4 March 2016, pg 4)



Umzumbe Local Municipality

- Amendment to the planning and land use management by-law, 2016 as published under MN3 in PG1612 of 19 February 2016.
(MN31, PG1626, 4 March 2016, pg 4)

Ndwedwe Local Municipality

- Amendment notice to the planning and land use management by-law, 2015 as published under MN7 in PG1619 of 26 February 2016.
(MN36, PG1631, 4 March 2016, pg 4)

Ubuhlebezwe Local Municipality

- Planning and land use management by-law.
(MN37, PG1632, 4 March 2016, pg 4)

KwaSani Local Municipality

- Planning and land use management by-law.
(MN38, PG1633, 4 March 2016, pg 4)

3.2 **EASTERN CAPE**

- By-law on spatial planning and land use management:
 - Camdeboo Local Municipality
 - Kouga Local Municipality
 - Great Kei Local Municipality
 - Matatiele Local Municipality
 - Intsika Yethu Local Municipality
 - Ndlambe Local Municipality
 - Mbizana Local Municipality
 - Mbhashe Local Municipality
 - Engcobo Local Municipality
 - Inxubu Yethemba Local Municipality
 - Amahlathi Local Municipality(LANS18-28, PG3608-3619, 4 March 2016, pg 4)
- By-law on spatial planning and land use management:
 - Nxuba Local Municipality
 - Lukhanji Local Municipality
 - Ingquza Hill Local Municipality
 - Kou-Kamma Local Municipality
 - Sundays River Valley Local Municipality
 - Makana Local Municipality
 - Emalahleni Local Municipality

- Sakhisizwe Local Municipality
- Ngqushwa Local Municipality
(LANS31-39, PG3631-3639, 24 March 2016, pg 4)

Elundini Local Municipality

- Buildings control by-law
- Fire Safety by-law
- Traffic by-law
(PNs44, 46 & 50, PG3643, 29 March 2016, pg 38, 88 & 50)

3.3 **GAUTENG**

City of Tshwane Metropolitan Municipality

- Land use management by-law, 2016 published with effect from 2 March 2016.
(LAN327, PG72, 2 March 2016, pg 4)

3.4 **NORTH WEST**

Moretele Local Municipality

- Spatial planning and land use management by-law.
(LAN63, PG7627, 18 March 2016, pg 4)

Greater Taung Local Municipality

- By-law on spatial planning and land use management.
(LAN64, PG7627, 18 March 2016, pg 100)

City of Matlosana Local Municipality

- By-law on spatial planning and land use management.
(LAN31, PG7622, 3 March 2016, pg 4)

Tlokwe City Council

- By-law on spatial planning and land use management.
(PN36, PG7629, 22 March 2016, pg 52)

Ventersdorp Local Municipality

- By-law on spatial planning and land use management.
(LAN71, PG7629, 22 March 2016, pg 172)

Kgetlengrivier Local Municipality

- By-law on spatial planning and land use management.
(LAN72, PG7630, 22 March 2016, pg 4)



3.5 **LIMPOPO**

Thabazimbi Local Municipality

- Land use management by-law.
(LAN27, PG2681, 4 March 2016, pg 4)

Fetakgomo Local Municipality

- By-law on municipal land using planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(LAN28, PG2682, 4 March 2016, pg 4)

3.6 **FREE STATE**

Tokologo Local Municipality

- By-law on municipal land use planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(PN227, PG162, 18 March 2016, pg 2)

Nketoana Local Municipality

- By-law on municipal land use planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality.
(PN229, PG164, 24 March 2016, pg 2)

3.7 **WESTERN CAPE**

Drakenstein Local Municipality

- Rectification notice to integrated waste management by-law as published in PG 7184 of 4 October 2013.
(LAN61087, PG 7581 11 March 2016, pg 425)

Laingsburg Local Municipality

- Correction notice to "Implementering van Grond Gebruik Beplannings By-wet soos gepubliseer in POK 47472 in PK 7518 van 30 Oktober 2015".
(LAN61083, PG 7581 11 March 2016, pg 427)

Laingsburg Local Municipality

- Withdrawal of proposed by-law on municipal land use planning published for comment under PN 215 in PG 7424 of 3 July 2015.
(LAN61083, PG 7581 11 March 2016, pg 427)



3.8 **NORTHERN CAPE**

Nama Khoi Local Municipality

- Draft by-law on municipal land use planning.
(GenN27, PG2000, 29 March 2016, pg 4)

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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