

Environmental Legislation Update

5th July 2013 to 2nd August 2013
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Shepstone & Wylie's Environmental and Clean Energy Departments advise 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 industries, including mining and resources, utilities, chemicals, steel, agriculture, automotive, waste, storage, building and transport. Issues covered include environmental compliance assessments; due diligence assessments; contracts; structured finance; environmental management systems; new and pending legislation, and permitting and licence requirements.

1. NATIONAL LEGISLATION

1.1 ACTS

National Environmental Management Laws Amendment Act 14 of 2013

Date of commencement: 24 July 2013

(Gov N530, GG36703, 24 July 2013, pg 2)

National Environmental Management: Biodiversity Act 10 of 2004

- Amendment of Subsection 1, 2, 51, 56, 57, 59, 60, 63, 66, 70, 71, 79, 80, 86, 87, 88, 93, 97, 98, 101 and 102 and the Table of Contents
- Insertion of Subsection 62A, 71A, 87A, 92A, 93B, 105A and 105B
- Repeal of Subsection 94, 95 and 96
- Substitution of Subsection 58, 61, 62 and 72

National Environmental Management: Air Quality Act 39 of 2004

Amendment of Section 55

National Environmental Management: Waste Act 59 of 2008

Amendment of Section 1

National Environmental Management Laws Amendment Act 14 of 2009

Substitution of Section 51

National Environmental Management: Protected Areas amendment Act 15 of 2009

Substitution of Section 7

1.2 **BILLS, WHITE PAPERS**

National Environmental Management Laws First Amendment Bill

- (B13 – 2012)
- (B13D – 2012)

Select Committee Amendments to National Environmental Management laws First Amendment Bill (B13C – 2012)

Draft Conservation and Agricultural Resources Amendment Bill 2013

Invitation for public comments

(Gen N673, GG36605, 2 July 2013, pg 3)

Draft Conservation and Agricultural Resources Amendment Bill 2013

(Gen N272, GG36647, 9 July 2013, pg 3)

National Environmental Management: Air Quality Amendment Bill 2013

Explanatory Summary

(Gen N735, GG36679, 18 July 2013 pg 3)

National Environmental Management Laws Amendment Bill 2013

Explanatory Summary

(Gen N737, GG36673, 18 July 2013, pg 24)

National Environmental Management: Waste Amendment Bill 2013

Explanatory Summary

(Gen N737, GG36673, 18 July 2013, pg 24)

South African Weather Service Amendment Bill

(B23 – 2013)

Draft National Environmental Management: Protected Areas Amendment Bill 2013

(Gen N756, GG36682, 26 July 2013, pg 42)

1.3 **GENERAL / BOARD NOTICES**

Marine Living resources Act 18 of 1998

- Recognition of organisations as interest groups in terms of Section 8 of the Act
(Gen N701, GG36630, 8 July 2013, pg 3)
- General Policy on the Allocation and Management of Fishing Rights, 2013 (Schedule A) and 2013 Fishery Specific Policies for Demersal Shark, Hake Handline, KwaZulu-Natal Prawn Trawl, Oyster, Squid, Traditional Linefish, Tuna Pole-Line and White Mussel (Schedule B): For general information
(Gen N750, GG36675, 17 July 2013, pg 3)
- Invitation to apply for rights to undertake commercial fishing of Demersal Shark, Hake Handline, KwaZulu-Natal Prawn Trawl, Oyster, Squid, Traditional Linefish, Tunal Pole-Line and White Mussel
(Gen N751, GG36675, 17 July 2013, pg 152)



National Environmental Management: Biodiversity Act 10 of 2004

- Publication of National list of invasive species
(Gov NR507, GG36683, 19 July 2013, pg 39)
- Publication of prohibited alien species
(Gov NR508, GG36683, 18 July 2013, pg 50)
- Publication of exempted species
(Gov NR509, GG36683, 19 July 2013, pg 72)

1.4 RULES, REGULATIONS, GUIDELINES & POLICIES

National Railway Safety Regulator Act 16 of 2002

Determination of safety permits fees under Section 23(2)(a) of the Act
(Gov NR470, GG36635, 5 July 2013, pg 3)

National Environmental Management: Biodiversity Act 10 of 2004

Alien and Invasive Species Regulations
(Gov NR506, GG36683, 19 July 2013, pg3)

1.5 LEGISLATION FOR COMMENT

National Water Act 36 of 1998

- Proposal for the establishment of the Breede-Gouritz Catchment Management Agency
(Gov N481, GG36637, 12 July 2013, pg51)
- Disestablishment of the Gouritz Catchment Management Agency in the Western Province
(Gov N482, GG36637, 12 July 2013 pg 52)
- Proposal for the establishment of the Inkomati-Usuthu Catchment Management Agency
(Gov N523, GG36682, 26 July 2013, pg 40)
- Disestablishment of the Usuthu-Mhlathuze Catchment Management Agencies in KwaZulu-Natal Province
(Gov N524, GG 36682, 26 July 2013, pg 41)

World Heritage Convention Act 49 of 1999

- Notice of intention to declare a Management Authority for the Robben Island Museum World Heritage Site
(Gen N704, GG36637, 12 July 2013, pg 53)
- Notice of intention to declare a Management Authority for the Makapan Valley World Heritage Site which is a component of the Fossil Hominid Sites of South Africa
(Gen N705, GG36637, 12 July 2013, pg 54)
- Notice of intention to declare a Management Authority for Taung Skull Fossil World Heritage Site which is a component of the Fossil Hominid Sites of South Africa
(Gen N706, GG36637, 12 July 2013, pg 55)
- Notice of intention to declare a Management Authority for the Richtersveld Cultural and Botanical Landscapes World Heritage Site
(Gen N707, GG36637, 12 July 2013, pg 56)
- Notice of intention to declare a Management Authority for Ukhahlamba/Drakensberg Park World Heritage Site
(Gen N708, GG36637, 12 July 2013, pg 57)

National Environmental Management Biodiversity Act 10 of 2004

Draft Biodiversity Management Plan for Gypaetus Barbatus Meridionalis
(Gen N763, GG36697, 26 July 2013 pg3)

National Energy Act 34 of 2008

- Draft 2012 Integrated Energy Planning Report
(Gov N512, GG36690, 24 July 2013, pg 2)
- Draft 2012 Integrated Energy Planning Report
(Gov N513, GG36690, 24 July 2013, pg 27)

2. PROVINCIAL LEGISLATION

GAUTENG:

Mogale City Local Municipality: Correction notice

- Refuse Removal Tariffs
(LAN877, PG183, 4 July 2013, pg 22)
- Sewer Tariffs
(LAN878, PG183, 4 July 2013, pg 23)
- Water Supply Tariffs
(LAN881, PG183, 4 July 2013, pg 33)

National Environmental Management Act 107 of 1998

- Dinokeng Region: Adoption of the Environmental Management Framework
(GN1864, PG204, 22 July 2013, pg3)
- South Western Tshwane and North Western Johannesburg: Adoption of the Environmental Management Framework
(GN1865, PG204, 22 July 2013, pg 5)

LIMPOPO:

Makhado Municipality: Determination of changes

Building By-laws

(LAN101, PG2227, 26 July 2013, pg 8)

Cemetery By-laws

(LAN101, PG2227, 26 July 2013, pg 10)

By-laws relating to the Control of Inflammable Liquids and Substances

(LAN101, PG2227, 26 July 2013, pg 15)

Refuse removal

(LAN101, PG2227, 26 July 2013, pg 24)

NORTHERN CAPE:

Land Use Planning Ordinance 15 of 1985

Khara Hais Municipality: Compiling of a draft zoning scheme, land development procedures and regulations (LUMS)
(GN58, PG1707, 1 July 2013, pg 4)

WESTERN CAPE:

National Environmental Management: Protected Areas Act 57 of 2003

- Amendment of Provincial Notice for the declaration of the Skeiding Nature Reserve
(PN245, PG146, 5 July 2013, pg 1437)
- Intention to declare nature reserves
(PN216, PG7146, 5 July 2013, pg 1439)

- Declaration of the Doringkloof Nature Reserve (PN226, PG7150, 19 July 2013, pg 1631)
- Amendment notice for the intention to declare nature reserves (PN237, PG7153, 26 July 2013, pg 1665)

3. LOCAL LEGISLATION

EASTERN CAPE:

Elundini Municipality
Waste Disposal Sites By-law
(LAN28, PG2983, 9 July 2013, pg3)

KWAZULU-NATAL:

uMhlathuze Municipality
Amendment to the Beach By-laws
(MN84, PG994, 29 July 2013, pg 3)
Amendment to the Electricity Supply By-laws
(MN84, PG994, 29 July 2013, pg 5)
Amendment to the Water Services By-laws
(MN86, PG994, 29 July 2013, pg 9)
Disaster Management By-laws
(MN87, PG994, 29 July 2013, pg 10)

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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