

Environmental Legislation Update

30th January 2012 to 24th February 2012
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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 Energy Act 34 of 2008

Date of commencement of sections 1, 2, 3, 4, 5, 20 and 21: 1 March 2012
(PN10, GG35053, 24 February 2012, pg 6)

1.2 BILLS, WHITE PAPERS

No new items of relevance during this time period.

1.3 GENERAL / BOARD NOTICES

Mineral and Petroleum Resources Development Act 28 of 2002

Further invitation for representations from relevant stakeholders on proposed restriction under section 49(1) of the Act, on granting of new reconnaissance permissions, prospecting rights, mining rights and mining permits in respect of certain land
(GN84, GG35011, 6 February 2012, pg 3)

National Environmental Management: Protected Areas Act 57 of 2003

Biodiversity Policy and Strategy for South Africa: Strategy on Buffer Zones for National Parks: For general information
(GN106, GG35020, 8 February 2012, pg 3)

Water Services Act 108 of 1997

Extra-territorial activities undertaken in the Democratic Republic of Congo
(GN137, GG35053, 24 February 2012, pg 21)

1.4 **RULES, REGULATIONS, GUIDELINES & POLICIES**

Occupational Health and Safety Act 85 of 1993

Incorporation of health and Safety Standards into the Pressure Equipment Regulations, 2009
(GNR79, GG34995, 3 February 2012, pg 3)

National Environmental Management: Protected Areas Act 57 of 2003

Regulations: Proper administration of nature reserves
(GNR99, GG35021, 8 February 2012, pg 3)

National Water Act 36 of 1998

Regulations: Safety of dams
(GNR139, GG35062, 24 February 2012, pg 3)

National Energy Act 34 of 2008

Regulations: Mandatory provision of energy data
(GNR142, GG35069, 24 February 2012, pg 3)

1.5 **LEGISLATION FOR COMMENT**

National Environmental Management Act 107 of 1998

Amendment of Schedule 3
(GN114, GG35031, 17 February 2012, pg 27)

2. PROVINCIAL LEGISLATION

GAUTENG:

Disaster Management Act 57 of 2002

Ekurhuleni Metropolitan Municipality:
Extension of declaration of local state of disaster
(LAN86, PG12, 1 February 2012, pg 2)

KWAZULU-NATAL:

National Environmental Management: Integrated Coastal Management Act 24 of 2008

Public consultation: Intention to declare nature reserves
(PN28, PG709, 23 February 2012, pg 30)

LIMPOPO:

Disaster Management Act 57 of 2002

Notice in terms of section 55(1) of the Act:
Declaration of Maruleng, Ba-Phalaborwa, Greater Tzaneen and Greater Giyani Municipalities in Mopani District Municipality as disaster areas
(GN45, PG2042, 17 February 2012, pg 3)

MPUMALANGA:

Mpumalanga Nature Conservation Act 10 of 1998

Open season: Ordinary game
(GN1, PG2016, 24 February 2012, pg 3)

National Environmental Management Act 107 of 1998

Dr Pixley Ka Isaka Seme Local Municipality:
Environmental Management Framework
(LAN40, PG2013, 21 February 2012, pg 2)

NORTHERN CAPE:

Northern Cape Planning and Development Act 7 of 1998

- John Taolo Gaetsewe District Municipality:
Draft District Spatial Development Framework/Land Development Plan
(GN11, PG1574, 13 February 2012, pg 3)
- Joe Morolong Municipality:
Development of the Spatial Development Framework
(GN13, PG1577, 24 February 2012, pg 3)
- Renosterberg Municipality:
Development of the Spatial Development Framework
(GN14, PG1577, 24 February 2012, pg 4)

WESTERN CAPE:

Disaster Management Act 57 of 2002

Eden District Municipality:
Declaration of a local disaster
(PG6947, 27 January 2012, pg 62)

3. LOCAL LEGISLATION

EASTERN CAPE:

Engcobo Municipality:

- Waste Management By-law
(LAN4, PG2698, 10 February 2012, pg 13)
- Keeping of Animals By-law
(LAN5, PG2698, 10 February 2012, pg 27)
- Control of Animals By-law
(LAN6, PG2698, 10 February 2012, pg 44)
- Control over Buildings By-law
(LAN8, PG2698, 10 February 2012, pg 62)
- Unsightly and Neglected Buildings By-law
(LAN9, PG2698, 10 February 2012, pg 67)
- Cemeteries By-law
(LAN12, PG2698, 10 February 2012, pg 87)
- Swimming-pools By-law
(LAN15, PG2698, 10 February 2012, pg 129)
- Street Trading By-law
(LAN19, PG2698, 10 February 2012, pg 192)
- Advertising Signs By-law
(LAN20, PG2698, 10 February 2012, pg 198)

MPUMALANGA:

Steve Tshwete Local Municipality:

- Pound Bylaws
(LAN52, PG2014, 24 February 2012, pg 3)
- Fire Brigade Services Bylaws
(LAN53, PG2014, 24 February 2012, pg 10)
- Petroleum Products Bylaws
(LAN54, PG2014, 24 February 2012, pg 20)

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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