

## Environmental Legislation Update

30 January 2009 – 20 February 2009  
Volume 6, Issue 2

*Shepstone & Wylie's Environmental and Sustainability Law Department advises clients in both the public and private sector on a range of environmental and sustainability 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: Integrated Coastal Management Act 24 of 2008**

Date of commencement: To be proclaimed

(Gov N138, GG31884, 11 February 2009, pg 2)

Proposed repeal of the *Sea-shore Act 21 of 1935* (to the extent that it has not been assigned to provinces)

Proposed repeal of the *Dumping at Sea Control Act 73 of 1980*

#### 1.2 BILLS, WHITE PAPERS

Select Committee Amendment to National Environmental Laws Amendment Bill [B66C-2008]

National Environmental Laws Amendment Bill [B66D-2008]

#### 1.3 GENERAL / BOARD NOTICES

##### **National Environmental Management Act 107 of 1998: Second Edition**

Environmental Implementation and Management Plan

(Gov N40, GG31806, 23 January 2009, pg 3)

##### **Marine Living Resources Act 18 of 1998**


Invitation to apply for rights to undertake commercial fishing of large pelagic (tuna and swordfish longline) in terms of section 18

(Gen N103, GG31826, 30 January 2009, pg 3)

##### **World Heritage Convention Act 49 of 1999**

(a) Proclamation of the Cape Floral Region Protected Areas as a world heritage site and delegation by the Minister of certain powers and duties to the Director General of the Department of Environmental Affairs and Tourism

(Gov N71, GG31832, 30 January 2009, pg 3)

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- (b) Proclamation of Mapungubwe Cultural Landscape as a world heritage site and delegation by the Minister of certain powers and duties to the South African National Parks (SANParks)  
(Gov N72, GG31832, 30 January 2009, pg 10)

**Minerals and Petroleum Resources Development Act 28 of 2002**

South African Agency for the Promotion of Petroleum Exploration and Exploitation: Petroleum Licence Round 2009

(Gov N164, GG31893, 20 February 2009, pg 31)

**National Environmental Management: Biodiversity Act 10 of 2004**

Notice in terms of section 57(2)

(Gov N148, GG31899, 13 February 2009, pg 3)

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

**Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972**

Amendment to Regulation: Preservatives and antioxidants

(Gov NR60, GG31819, 28 January 2009, pg 3)

**Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947**

Amendment to Regulations: Registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators, appeals and imports

(Gov N112, GG31865, 13 February 2009, pg 4)

**Environment Conservation Act 73 of 1989**

Waste Tyre Regulations, 2008

(Gov NR149, GG31901, 13 February 2009, pg 3)

1.5 **LEGISLATION FOR COMMENT**

**Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972**

Regulation: Maximum levels for melamine in foodstuffs

(Gov NR61, GG31819, 28 January 2009, pg 5)

**Draft Policy on Waste Incineration**

Draft policy on waste incineration and the co-processing of waste as alternative fuels or raw materials in cement production

(Gen N105, GG31831, 30 January 2009, pg 3)

**National Ports Authority**

Notice for extension of existing tenure: Invitation for public comments: Intention to extend tenure of lease of land in the Port of Durban

(Gen N122, GG31843, 6 February 2009, pg 12)

**National Heritage Resources Act 25 of 1999**

(a) South African Heritage Resources Agency: Declaration of the Boschendal Founders Estate, a portion of The Cape Winelands Cultural Landscape as a national heritage site  
(Gov N120, GG31864, 13 February 2009, pg 7)

(b) South African Heritage Resources Agency: Declaration of Ida's Valley as a national heritage site  
(Gov N121, GG31864, 13 February 2009)

**Fertilizer, Farm Feeds, Agricultural Remedies Act 36 of 1947**

Proposed regulations: Registration of pest control operators

(Gov NR154, GG31894, 20 February 2009, pg 4)

### **National Environmental Management Act 107 of 1998**

Draft Environmental Impact Assessment Regulations: For public comment

(Gen N165, GG31885, 13 February 2009, pg 3)

Listing Notice 1: List of activities and competent authorities identified in terms of sections 24(2) and 24D (Gen N166, GG31885, 13 February 2009, pg 90)

Listing Notice 2: List of activities and competent authorities identified in terms of sections 24(2) and 24D (Gen N167, GG31885, 13 February 2009, pg 134)

Listing Notice 3: List of activities and competent authorities identified in terms of sections 24(2) and 24D (Gen N168, GG31885, 13 February 2009, pg 155)

### **National Environmental Management: Biodiversity Act 10 of 2004**

Making of rhinoceros horn and hunting of white rhinoceros for trophy hunting purposes

(Gen N170, GG31899, 13 February 2009)

## **2. PROVINCIAL LEGISLATION**

### **MPUMALANGA: Mpumalanga Nature Conservation Act 10 of 1998**

Open season: Ordinary game

(PG1612, Official N1, 26 January 2009, pg 3)

### **NORTH WEST: Local Government: Municipal Systems Act 32 of 2000**

Local Municipality of Madibeng: Bylaw relating to waste management

(LAN23, PG6586, 6 February 2009, pg 3)

### **WESTERN CAPE: Western Cape Land Use Planning Ordinance, 1985, Amendment Bill [B1-2009]**

Publication of Western Cape Land Use Planning Ordinance, 1985, Amendment Bill, 2009: For comment

(PN35, PG6600, 6 February 2009, pg 2)

### **NORTH WEST: North West Wildlife Fencing Policy: Addendum**

Regulations in terms of the Nature Conservation Ordinance 12 of 1983 (Transvaal Province);

Bophuthatswana Nature Conservation Act 3 of 1973; and

Nature and Environmental Conservation Ordinance 19 of 1974 (Cape Province)

(PG6588, Gen N45, 10 February 2009, pg 2)

## **3. LOCAL LEGISLATION**

### **Constitution of the Republic of South Africa 108 of 1996**

- (a) **WESTERN CAPE: City of Cape Town**  
Bylaw relating to 2010 FIFA World Cup South Africa  
(LAN, PG6594, 16 January 2009, pg 15)
- (b) **WESTERN CAPE: Hessequa Municipality**  
Bylaw relating to the Management and use of rivers  
(LAN33471, PG6594, 16 January 2009, pg 88)
- (c) **WESTERN CAPE: Hessequa Municipality**  
Bylaw relating to Heritage Resources and Cultural Institutions  
(LAN32548, PG6599, 6 February 2009, pg 223)

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- (d) **EASTERN CAPE: Nelson Mandela Bay Metropolitan Municipality**  
Bylaw relating to 2010 FIFA World Cup South Africa  
(LAN40, PG2050, 30 January 2009, pg 3)
  - (e) **WESTERN CAPE: George Municipality**  
Bylaws relating to Community Fire Safety  
(LAN32583, PG6601, 13 February 2009, pg 265)

**Local Government: Municipal Systems Act 32 of 2000**

- (a) **FREE STATE: Mangaung Local Municipality**  
Bylaw relating to 2010 FIFA World Cup  
(LAN80, PG3, 23 January 2009, pg 12)
- (b) **GAUTENG: City of Johannesburg Metropolitan Municipality**  
2010 FIFA World Cup South Africa Bylaws

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*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 the Shepstone & Wylie's Environmental & Sustainability Law Department by contacting -*

**Ian Sampson (Partner)**

Johannesburg:	Tel: +27 11 340 6960	Fax: +27 11 880 4546
Durban:	Tel: +27 31 302 0449	Fax: +27 31 304 3289
Cell: 082 775 3720	Email: sampson@wylie.co.za	

**Dean Nortje (Partner)**

Durban:	Tel: +27 31 302 0439	Fax: +27 31 304 3289
Cell: 082 379 3222	Email: nortje@wylie.co.za	