

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 542

05 APRIL 2019

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****REGULATIONS LAYING DOWN THE PROCEDURE TO BE FOLLOWED FOR THE ADOPTION OF SPATIAL TOOLS OR ENVIRONMENTAL MANAGEMENT INSTRUMENTS CONTEMPLATED IN SECTION 24(2)(c) AND (e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)**

i, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby under section 24(5)(bB), read with section 44(1)(a), of the National Environmental Management Act, 1998 (Act No. 107 of 1998), make the regulations laying down the procedure to be followed for the adoption of spatial tools and environmental management instruments to be used for the purposes of sections 24(2)(c) and (e), in the Schedule hereto.



**NOMVULA PAULA MOKONYANE
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, has that meaning, and unless the context requires otherwise—

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

2. Purpose of Regulations

The purpose of these Regulations is to provide for the process of adoption of spatial tools and environmental management instruments contemplated in section 24(2)(c) and (e) of the Act.

Adoption requirements

3. Before adopting a spatial tool or environmental management instrument, the Minister or MEC must ensure that the spatial tool or environmental management instrument indicates the purpose for which it was developed.

Notification and consultation requirements

4. (1) The Minister must publish notification of the proposed adoption —

- (a) in the Government Gazette;
- (b) in a newspaper which is distributed throughout the Republic;
- (c) where deemed appropriate by the Minister, in a newspaper circulating in the geographical area for which the spatial tool or environmental management instrument was prepared; and
- (d) make the proposed spatial tool or environmental management instrument publicly available on the website of the Department of Environmental Affairs.

(2) The MEC must publish the proposed adoption—

- (a) in the Provincial Gazette;
- (b) in a newspaper which is distributed throughout the province within which or for which the spatial tool or environmental management instrument was prepared; and
- (c) where deemed appropriate by the MEC, in a regional newspaper circulating in the geographical area for which the spatial tool or environmental management was prepared.

Content of the notice

5. A notice published in terms of regulation 4 must include—

- (a) an invitation to members of the public to submit comments in connection with the proposed adoption to the official indicated in the notice;
- (b) notification of a period of at least 30 days to submit comments, the period reckoned from the date of the last publication; and

- (c) a caution that comments received after the closing date may be disregarded.

Consideration of comment

6. The Minister or the MEC, as the case may be, must give due consideration to all the comments received before making a decision on the adoption of the proposed spatial tool or environmental management instrument.

Notification of adoption

7. Once the Minister or the MEC, in concurrence with the Minister, adopts a spatial tool or environmental management instrument contemplated in section 24(2)(c) or (e) of the Act, notice must be given in the relevant Gazette of the—

- (a) adoption of the spatial tool or environmental management instrument; and
- (b) availability of the spatial tool or environmental management instrument for public access on the website of the Department of Environmental Affairs and/or the relevant province.

Record keeping requirement

8. The Minister must—

- (a) keep a register of all spatial tools or environmental management instruments adopted in terms of these Regulations; and
- (b) make the register publicly available on the website of the Department of Environmental Affairs.

Commencement

9. These Regulations take effect immediately on the date of publication in the *Gazette*.