



### NEWSLETTER- MARCH 2018

Dear Readers,



We would like to wish you a very Happy Easter Holiday!

The March edition of this newsletter will look at updates in the environmental, renewable energy and natural resources sector while also focussing on recent amendments as well as bills and projects open for comment.

### NATIONAL LEGISLATION

#### ❖ **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

Draft Generic Environmental Management Programme for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure published for comment (GN 162 in GG 41473 of 2 March 2018) (p34)

Gauteng Provincial Environmental Management Framework Standard, 2018 and Appendices published with effect from 60 days from date of publication (GN 164 in GG 41473 of 2 March 2018) (p167)

## **OPEN FOR COMMENT**

### **❖ NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

National Environmental Management Laws Amendment Bill [B14-2017] – comment to the Parliamentary Portfolio Committee by 19 April 2018

Notice of intention to adopt the Integrated Environmental Management Plan for the Square Kilometre Array Phase 1 and to exclude associated activities from the requirement to obtain environmental authorisation in terms of s. 24 (2) (e) published for comment (GN 213 in GG 41498 of 16 March 2018) (p28) – comment to the Department of Environmental Affairs by 16 April 2018

Draft Generic Environmental Management Programme for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity (GN 163 in GG 41473 of 2 March 2018) (p101) – comment to the Department of Environmental Affairs by 16 April 2018.

## **PROVINCIAL LEGISLATION**

- ❖ Spatial Planning and Land Use Management Act 16 of 2011: City of Johannesburg Metropolitan Municipality: Notice of two draft policies: 'Nodal review' and 'Inclusionary Housing Incentives, Regulations and Mechanisms' published for comment (LAN 399 in PG 52 of 28 February 2018) (p3)

## **TEAM CYRIL SHUNS NUCLEAR FOR RENEWABLES – REVIVES R561BN SOLAR, WIND PROJECTS**

South Africa is back on track with its renewable energy programme after two years of uncertainty and government backtracking on its commitments to this multibillion-rand industry.

Energy Minister Jeff Radebe announced on Thursday that the 27 electricity generation projects, part of the government's independent power purchase programme approved two years ago but which has been in limbo ever since, would be signed on Tuesday.

This would release an investment of R56-billion into the economy and give the green light for these private renewable energy power stations to be built.

Radebe's announcement comes nearly two years after the deadline – April 2016 – when Eskom should have signed agreements with the private power producers to buy the electricity generated by these wind and solar power stations. The power producers, which had been selected by government through a competitive bidding programme, had geared up two or three times for the agreements to be signed, but this never happened.

Then during 2016 Eskom said it would not sign the agreements, citing having a surplus of energy as a reason. Radebe acknowledged that government's stalling had been damaging to the renewable energy industry.

Radebe, who was appointed energy minister in February by newly sworn-in President Cyril Ramaphosa, would not be drawn on why government had stalled on the programme.

The 27 projects will create 61,600 full-time jobs, mostly during the construction period, and the focus will be on employing young people. The projects are spread out in all nine provinces, but the bulk of the jobs – 59% – will be in the Northern Cape, followed by 15% in the Eastern Cape and 13% in North West.

Part of the independent power producer's obligations imposed by government is that each power station has to contribute part of its profits to the people who live within a 50-mile radius of the plant. This will see R9.8-billion go to socio-economic development and R3.4-billion to enterprise development in these communities over the 20-year lifetime of the project agreements.

The government is also finalising requirements needed to sign 20 small renewable energy projects, between 1MW and 5MW, which will release R2.7-billion into the economy. Radebe said another 19 renewable energy projects and two coal projects would be announced soon, releasing a further R103-billion of investment.

The price of electricity generated by wind power stations ranged between 76c and 56c a kilowatt-hour, and solar PV between 87c and 77c a kilowatt-hour. The price of electricity generated by new coal-fired power stations is around R1.20 a kilowatt-hour.

Karen Breytenbach, head of the IPP Office, said buying electricity from the independent power producers, which would come online only in 2020, would not affect Eskom's balance sheet as these were treated as a "cost pass-through".

Breytenbach said the agreements guaranteed payment, and in the event of Eskom ever not being able to pay, government would make a loan to the utility to cover the payments.

South African Wind Energy Association CEO Brenda Martin welcomed the announcement that the renewable energy programme was back on track, saying that the two-year hold-up had hit the industry.

"Over the past two years, renewable industry employees across the value chain, at power plants, construction companies, manufacturing facilities, service providers and other related firms have been retrenched and many local firms continue to face significant financial losses due to the delay," Martin said.

<https://www.biznews.com/energy/2018/03/09/team-cyril-shuns-nuclear-renewables/>

### **SUDAN, WORLD'S LAST MALE NORTHERN WHITE RHINO DIES**

The world's last male northern white rhino, Sudan, has died after "age-related complications," researchers said yesterday, adding he "stole the heart of many with his dignity and strength".

The Ol Pejeta Conservancy said the 45-year-old rhino was euthanised on Monday after his condition “worsened significantly”. He was no longer able to stand. His muscles and bones had degenerated and his skin had extensive wounds, with a deep infection on his back right leg.

The rhino had been part of an ambitious effort to save the subspecies from extinction, after decades of extermination by poachers, with the help of the two surviving females. One is his daughter, Najin, and the other is her daughter, Fatu.

“He was a great ambassador for his species and will be remembered for the work he did to raise awareness globally of the plight facing not only rhinos, but also the many thousands of other species facing extinction as a result of unsustainable human activity,” said the conservancy’s chief executive Richard Vigne.

The last male northern white rhino had been born in Sudan, the last of his kind to be born in the wild. He was taken to a Czech zoo and then transferred to Kenya in 2009 with three other remaining fertile northern white rhinos at the time. They were placed under 24-hour armed guard and fed a special diet. “However, despite the fact that they were seen mating, there were no successful pregnancies,” the conservancy said.

The rhino “significantly contributed to survival of his species as he sired two females.

“His genetic material was collected and provides a hope for future attempts at reproduction of northern white rhinos through advanced cellular technologies.” The only hope for preserving the subspecies “now lies in developing in vitro fertilisation techniques using eggs from the two remaining females, stored northern white rhino semen from males and surrogate southern white rhino females”. Sudan’s death “is a cruel symbol of human disregard for nature and it saddened everyone who knew him. But we should not give up,” said Jan Stejskal, director of international projects at Dvur Kralove Zoo in the Czech Republic. “It may sound unbelievable, but thanks to the newly developed techniques even Sudan could still have an offspring.”

Northern white rhinos once roamed parts of Chad, Sudan, Uganda, Congo and the Central African Republic, and were particularly vulnerable because of the armed conflicts that have swept the region over decades.

Other rhinos, the southern white rhino and another species, the black rhino, are under heavy pressure from poachers who kill them for their horns to supply illegal markets in parts of Asia.

Roughly 20000 southern white rhinos remain in Africa. Their numbers dipped below 100 about a century ago, but an intense effort initiated by South African conservationist Ian Player in the mid-20th century turned things around.

<https://www.iol.co.za/pretoria-news/sudan-worlds-last-male-northern-white-rhino-dies-13974119>

### **INTERESTING ENVIRONMENTAL TOPICS**

- ❖ According to a three-year study published in Scientific Reports, the mass known as the Great Pacific Garbage Patch has reached approximately 1.6 million square kilometers in size – up to 16 times bigger than previous estimates. That makes it more than double the size of Texas. It has become essential to reduce plastic use and consider each decision we make, whether we take our own bags to the supermarkets, refuse straws, bring our own coffee cups or accept single-use items.
- ❖ Tips to use less plastic  
<http://www.greeneducationfoundation.org/nationalgreenweeksub/waste-reduction-tips/tips-to-use-less-plastic.html>

### **MONTHLY HUMOUR**

To end off on a lighter note, what happened to the egg when he was tickled too much?

He cracked up! 😄

### **ABOUT GUNN ATTORNEYS**

Gunn Attorneys was established in 2014 by Adam Gunn, leveraging on many years of experience in the natural resources sector. Amongst other things Adam was legal counsel to Ridge Mining and First Uranium Corporation and a partner at Edward Nathan Sonnenbergs and Eversheds. The vision of the firm continues to be to provide exceptional service to our clients in the natural resources sector.

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