INSTRUCTIONS

1. Students are requested, in their own interests, to write legibly.

2. This paper consists of THREE (3) pages. Please ensure that you have all of them.

3. You must answer a total of THREE questions.
QUESTION 1

(a) Discuss the obligation placed on environmental authorities to take socio-economic considerations into account in deciding applications for environmental authorisations. Your answer should include a discussion of the case of Fuel Retailers Association of South Africa v Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province & others 2007 (6) SA 4 (CC).

(15)

(b) Discuss the legal requirements which must be complied with in order to dispose of industrial effluent into a municipal sewerage system.

(10)

[Total Q1: 25]

QUESTION 2

(a) Critically discuss carefully and fully how South African law provides for the conservation of so-called ‘threatened and protected species’.

(12½)

(b) Critically discuss the law in South Africa relating to alien and invasive species.

(12½)

[Total Q2: 25]
**QUESTION 3**

Asanda Dlamini, the CEO of Asdam Mining Co Ltd (AM), approaches you for advice in respect of a mining development she is planning. She is intending to carry out prospecting activities, followed by mining, in certain areas under the jurisdiction of the eThekwini Municipality. The land on which her company wants to mine is currently zoned as open space (which is not the appropriate zoning for mining). She tells you that an official in the Department of Mineral Resources informed her that there was no need to make an application for rezoning because the Minerals and Petroleum Development Act 28 of 2002 takes precedence over town planning laws. She wants you to inform her if this is correct. In the course of your answer, make reference to the applicable legislation, including at least the Constitution of the Republic of South Africa, 1996, and the MPRDA; and at least the Gauteng Development Tribunal and Maccsand cases.

[Total Q3: 25]

**QUESTION 4**

Critically discuss the various enforcement options which are or could be used in the enforcement of South African environmental law, giving examples from South African legislation. In the course of your answer, provide some indication as to how effective such mechanisms are in practice.

[Total Q4: 25]

[TOTAL FOR PAPER: 75 MARKS]