

PUBLIC PARTICIPATION REPORT

**DRAFT SCOPING REPORT FOR PROPOSED PROSPECTING
RIGHT AND BULK SAMPLING FOR DIAMONDS OVER SEA
CONCESSION 12B, WESTERN CAPE**

DMR REF. NO.: WC 30/5/1/1/2/10424PR

Date: 13 September 2022

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1 DMR ACCEPTANCE OF PROSPECTING RIGHT AND EA APPLICATION DATED 05/09/2022



mineral resources
& energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 09, Roggebaai, 8012, 09 Atterbury House, Cnr Lower Burg and Riebeeck Street, Cape Town, 8000
Tel: 021 427 1000 Fax: 021 427 1046 Email: Vusumuz.mwelase@dmr.gov.za From: Mineral Regulation
Enquiries: PP Mntuyedwa Ref: WC 30/5/1/1/2/10424PR

Per Registered Mail

~~Yusuf Kachin (Pty) Ltd~~
Nisarox (Pty) Ltd
P. O. Box 127
Port Nolloth
8380
E-mail: mineralprospects@telkomsa.net

Attention J. van der Westhuizen

APPLICATION FOR A PROSPECTING RIGHT IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 AS AMENDED BY SECTION 12 OF ACT 49 OF 2008 AND ENVIRONMENTAL AUTHORIZATION IN TERMS OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED: FOR DIAMOND (ALLUVIAL), DIAMON, DIAMOND (GENERAL), OVER SEA CONCESSION 12B: WITHIN THE ADMINISTRATIVE DISTRICT OF VAN RHYNSDORP: NISAROX (PTY) LTD

1. This is to inform you that your application for a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) ("Act") as amended and the Environmental Authorization in line with NEMA Regulations for abovementioned farm has been accepted.
2. In terms of the minimum requirements as stipulated 16(1) and 16(2) of the EIA Regulations, your application for an Environmental Authorisation was incomplete as it was not accompanied by this acceptance letter as per Sub Regulation 16 (1) (ix) and considering that it is now completed by this

Nisarox (Pty) Ltd

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acceptance letter, you are hereby required to submit the documents as stipulated on Regulation 19(1) to 19(8) of the EIA Regulations (Only in cases where Basic Assessment Report is applicable) or Regulation 21 (Scoping Report) and Regulations 21 (Scoping Report) 23 (EIR and EMP) (In case of Scoping and Environmental Impact Report). All timeframes are effective from the date of this letter.

3. In terms of section 12 (d) of the Act, you are directed to comply with the following instructions:

- a. Upload on to **SAMRAD** system and **Submit** the relevant environmental reports required in terms of chapter 5 read with Regulation 19(1) of the National Environment Management Act, 1998.
 - b. Notify and consult with the landowner, lawful occupier and any interested and affected party and include the result of the consultation in the environmental reports in line with Regulation 41(2) read with Section 24J of National Environment Management Act, 1998.
 - c. Lodge an application in terms of National Water Act, 1998 (Act 36 of 1998) with the Department of Water Affairs with immediate effect.
4. Further note that the acceptance of your application does not grant you the right to commence with prospecting activities. It only signify that your application will be processed and evaluated.

Yours faithfully

**REGIONAL MANAGER:
MINERAL REGULATION
WESTERN CAPE REGION**
DATE: 

Nisarox (Pty) Ltd

WC30/5/1/1/2/10424PR

2 ACKNOWLEDGEMENT FROM DMR OF APPLICATION FOR ENVIRONMENTAL AUTHORISATION DATED 1 DECEMBER 2020



mineral resources
& energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: (021) 427-1000, Fax: (021) 427-1046
09th floor, Atterbury house, 09 Corner Lower burg and Riebeeck Street, Cape Town, 8001

Enquiries: Portia Seaba Email: portia.seaba@dmre.gov.za

Ref: (WC) 30/5/11/1/3/2/1/10424PR Directorate: Mine Environmental Management

Nisarox (Pty) Ltd

P.O Box 127
Port Nolloth
8280

Attention: Mr. J. van der Westhuizen

Tel: 027 851 7776

Cell: 079 499 4743

Email: mineralprospects@telkomsa.net

ACKNOWLEDGMENT RECEIPT OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), 1998 (ACT 107 OF 1998) AS AMENDED READ IN CONJUNCTION WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED BY (GN 326), FOR A PROSPECTING APPLICATION INCLUDING BULK SAMPLING FOR DIAMOND (ALLUVIAL), DIAMOND AND DIAMOND (GENERAL) ON SEA CONCESSION 12B, IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP

I refer to the abovementioned matter and confirm that your application for an Environmental Authorisation herein referred to as "EA" lodged on **31 August 2022** is hereby acknowledged.

1. In accordance to Regulation 21(1) "If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority". Therefore, scoping report must be uploaded onto SAMRAD online system and submit one (1) hard copy to the regional office. The scoping report must be in accordance with **Appendix 2** of the 2014 EIA Regulations.
2. Public participation must be conducted in accordance with Chapter 6 of the NEMA: 2014 EIA Regulations as amended. Comments received from all the interested and affected parties

Nisarox (Pty) Ltd

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(including State Organs, beach users and coastal communities that will be affected) must be presented in a tabular format that includes the EAP's response to all the issues raised.

3. In terms of Regulation 7(2) as amended "the competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation". The EAP is therefore requested to consult draft Scoping Report with every organ of state that administers a law relating to a matter affecting the environment as stipulated on regulation 7(2) of 2014 EIA Regulations as amended and to notify the Department of such consultation with the organ of state.
4. Please note that acknowledgement of your application does not grant you permission to commence with mining activities. Commencement of a listed activity without an environmental authorisation constitutes an offence in terms of Section 49A (1) (a) of NEMA, 1998 (Act 107 of 1998) as amended and upon conviction for such an offence, a person is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

Please note that the timeframes are triggered by an acceptance letter issued in terms of the Minerals and Petroleum Resources Development Act (MPRDA), for an application for a Prospecting Right. Should your application be accepted, your environmental assessment must focus on properties and commodities indicated in the acceptance letter. However, should the application for a Right be rejected, administration of your EA application will be discontinued.

NB: Regulation 45 of 2014 EIA Regulations as amended stipulates that "an application in terms of these Regulations lapses and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of Regulation 3(7)."

Templates for the above-mentioned documents can be obtained on the Department of Mineral Resources website (www.dmr.gov.za) or from this Regional Office on request.

Kind Regards

.....
REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGION
DATE: 26.09.2022

3 ADVERT IN NEWSPAPER: PROJECT NOTIFICATION (DATED 16/09/2022)

3.1 Text of advertisement placed

**PROJECT ANNOUNCEMENT OF INTENDED PROSPECTING ACTIVITY AND ENVIRONMENTAL IMPACT ASSESSMENT SCOPING
PHASE PUBLIC PARTICIPATION PROCESS
DRAFT SCOPING REPORT FOR PROPOSED PROSPECTING RIGHT OVER SEA CONCESSION 12B, WESTERN CAPE.
DMR REFERENCE: WC30/5/1/1/2/10424PR**

On behalf of the applicant, Nisarox (Pty) Ltd, notice is hereby given of the commencement of the public participation process and the availability of the Draft Scoping Report (dSR) for the proposed Prospecting Right with Bulk Sampling Application over Sea Concession Area 12B. Notification of the public participation process is required and the Scoping & EIA (S&EIA) process is undertaken in terms of Section 16 (4)(b) of the Mineral and Petroleum Resources Development Act (Act 28 of 2002) and Regulation 40 to 43 of the National Environmental Act 1998 and the Environmental Impact Assessment Regulation 2014.

Nature of the Application and Location:

Nisarox (Pty) Ltd is proposing to prospect within Sea Concession area 12B using both non-invasive and invasive sampling activities, none of which require infrastructure. Sea Concession 12(b) is situated approximately 300km north of Cape Town, with the inshore boundary located 1km seaward of the coast between Strandfontein in the south and Namakwa Sands Wet Separation Plant in the north. The offshore boundary is located approximately 4km offshore.

The prospecting activities will take place in three phases:

Phase 1: Geophysical Surveys include geophysical exploration (acoustic survey), data acquisition and analysis.

Phase 2: Drill Sampling by means of core samples with a vibrocorer.

Phase 3: Bulk Sampling by bulk trench sampling to confirm the economic viability of the resource for mining.

Phase 4: Pre-/feasibility studies throughout the programme where data is consolidated and processed, and the programme is amended depending on the results.

Application for environmental authorisation to undertake the following activities:

- LN 1 - Activity 20 (GNR 517 of 2021) Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in Listing Notice 1 or in Listing Notice 3 of 2014, required to exercise the prospecting right.
- LN 2 - Activity 19: (GNR 517 of 2021) The removal and disposal of a mineral, which requires a permission in terms of section 20 of the MPRDA, as well as any other applicable activity as contained in Listing Notice 2, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission

Opportunity to Participate/ Invitation to Comment:

This advertisement serves as notification of the proposed development and for I&APs to register should they wish to receive more information. The 30-day Public Participation Process will run from 14 September 2022 until 14 October 2022. More information of the development will be available from the EAP as per the details provided below and the DSR may be accessed at <https://tinyurl.com/3x9h4p9p> and from the GroenbergEnviro website.

Any submission by I&APs should please include the following information:

- DMR's Reference No. WC30/5/1/1/2/10424PR;
- The I&APs name, contact details (postal address, fax number and e-mail address); and
- An indication of any direct business, financial, personal or other interest which they may have in the application.

Details of EAP/OBP: Helene Botha
GroenbergEnviro (Pty) Ltd
Environmental Assessment Practitioner
P O Box 1058, Wellington, 7654
Cell: 079 509 0785;
Fax: 086 476 7139
E-mail: helene@groenbergenviro.co.za
www.groenbergenviro.co.za



To ensure that you are identified as an interested and/or affected party (I&APs) please submit your name, contact information and interest in the matter, as well as any comment to the EAP before 17:00 on 14 October 2022. Please note, the information submitted will be made public as part of the EIA process and no personal details are included. The personal details of comments received can only be made public if the affected party indicates with their comments that their input may be published.

3.2 Proof of advertisement placed
To be included in FSR.

4 SITE NOTICES

4.1 Text of Site Notices

**Nisarox (Pty) Ltd: SCOPING PHASE PUBLIC PARTICIPATION PROCESS
PROPOSED PROSPECTING RIGHT OVER SEA CONCESSION 12B, WESTERN CAPE
DMR REFERENCE NO.: WC30/5/1/1/2/10424PR**

On behalf of the Applicant, **Nisarox (Pty) Ltd.**, notice is hereby given of the commencement of the Public Participation Process and the availability of the Draft Scoping Report (DSR) for the proposed Prospecting Right with Bulk Sampling Application over Sea Concession Area 12B and indicated on the diagram.

The Environmental Impact Assessment process is undertaken in terms of the Minerals and Petroleum Resources Development Act (Act 28 of 2002), the National Environmental Management Act (Act 107 of 1998) and Environmental Impact Assessment (EIA) Regulations of 2014 (as amended).

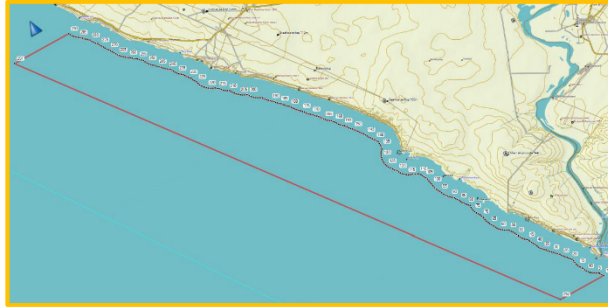
EIA Regulations Listed Activities:

GNR 983 Listing Notice 1 of 2014 (dated 8 December 2014), as amended by GN 517 GG 44701 (dated 11 June 2021)

Activity 20: Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the MPRDA, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required to exercise the prospecting right;

GNR 984 Listing Notice 2 of 2014 (dated 8 December 2014), as amended by GN 517 GG 44701 (dated 11 June 2021):

Activity 19: The removal and disposal of a mineral, which requires a permission in terms of section 20 of the MPRDA, as well as any other applicable activity as contained in Listing Notice 2, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the permission.



Details of EAP/OBP: Helene Botha

GroenbergEnviro (Pty) Ltd

Environmental Assessment Practitioner

P O Box 1058, Wellington, 7654

Cell: 079 509 0785;

Fax: 086 476 7139

E-mail: helene@groenbergenviro.co.za

Opportunity to participate / Invitation to comment:

Interested and/or Affected Parties should register at the contact details below to be part of and continue to be informed about the Scoping process that will start on **14 September 2022** and run to **14 October 2022**.

To ensure that you are identified as an interested and/or affected party (I&APs) please submit your name, contact information and interest in the matter, as well as any comment to the EAP before 17:00 on 14 October 2022. Please note, the information submitted will be made public as part of the EIA process and no personal details are included. The personal details of comments received can only be made public if the affected party indicates with their comments that **their input may be published**.

4.2 Proof of Site Notices placed:

To be included in FSR.

5 I&AP DATABASE & REGISTRATIONS

5.1 I&AP Database

In terms of the Protection of Personal Information Act, 2013 (Act No. 14 of 2013) (POPIA) and the requirements of the Environmental Impact Assessment Regulations, 2014, and related to the registers of interested and affected parties, the I&AP database, with personal information, will not be distributed in the public domain as part of this report.

Regulation 42 further requires that these registers must be submitted to the competent authority (CA) and this will be included as part of the report to the CA. Since the information in the registers is personal/private information, it will not be included in or attached to reports and be made available in the public domain.

	Surname	Initials	Representing	Tel	Fax	Email	P.O. Box	Town	Code	Reg
1.	Seaba	P	DMR: Case officer			Portia.Seaba@dmre.gov.za				
2.	Khonkwane	T.c.	DAFF: Marine Resources Management: Offshore and High Seas Fisheries Director: Stakeholder Relations			ChrisKH@daff.gov.za				E
3.	Pheeha	S	DAFF: Marine Resources Management: Offshore and High Seas Fisheries Director: Offshore & High Seas Fisheries			SaasaP@daff.gov.za				E
4.	La Meyer	A	Department of Environmental Affairs and Development Planning: Directorate: Development Facilitation			Adri.LaMeyer@westerncape.gov.za				E
5.			Department of Forestry, Fisheries and the Environment			OCeia@environment.gov.za				E

Public Participation Report for SR
GroenbergEnviro (Pty) Ltd
13 September 2022

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	Surname	Initials	Representing	Tel	Fax	Email	P.O. Box	Town	Code	Reg
			(DFFE): Oceans & Coast							
6.			Department of Forestry, Fisheries and the Environment (DFFE): Oceans & Coast			MPretorius@environment.gov.za				E
7.			Department of Forestry, Fisheries and the Environment (DFFE): National			callcentre@environment.gov.za				E
8.			Department of Public Works Western Cape			publicworks@westerncape.gov.za				E
9.			National Department of Public Works and Infrastructure: chief town planner projects and professional services ;			basson.geldenhuys@dpw.gov.za				E
10.			National Department of Public Works and Infrastructure:			Phucuka.Penxa@dpw.gov.za				E
11.			Department of Rural Development and Land Reform			info@DALRRD.gov.za				E
12.			Department of Rural Development and Land Reform			queries@dalrrd.gov.za /				E
13.			South Africa Navy Hydrographic Office			hydrosan@iafrica.com				E
14.			South African Maritime Safety Authority (SAMSA)			samsacct@samsa.org.za				E

Public Participation Report for SR
GroenbergEnviro (Pty) Ltd
13 September 2022

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	Surname	Initials	Representing	Tel	Fax	Email	P.O. Box	Town	Code	Reg
15.			South African National Biodiversity Institute (SANBI)			info@sanbi.org.za				E
16.	Olivier	E	Transnet National Ports Authority			Erlene.Olivier@Transnet.net				E
17.	Visser	S	Transnet National Ports Authority			Suzette.Visser2@Transnet.net				E
18.	Wheeler	M	CapeNature Conservation Operations: Landscape Conservation Intelligence Management Unit			mwheeler@capenature.co.za				E
19.	Adams	I	CapeNature Conservation Operations: Landscape Conservation Intelligence Management Unit			iadams@capenature.co.za				E
20.			Matzikamma Local Municipality			munman@matzikama.gov.za				E
21.			West Coast District Municipality			mm@wcdm.co.za				E
22.			West Coast District Municipality			thesme@matzikamamun.co.za				E
23.	Case officer		SAHRA			SAHRIS online application system				

5.2 Proof of registrations as I&APS
To be included in FSR

6 COMMENCEMENT OF EIA PHASE PROJECT NOTIFICATION LETTER AND EMAIL NOTIFICATION



DATE: 13 September 2022

DMR REF. NO.: WC 30/5/1/1/2/10424PR

PROPOSED PROSPECTING RIGHT AND BULK SAMPLING FOR DIAMONDS OVER SEA CONCESSION 12B, WESTERN CAPE

SCOPING PHASE PUBLIC PARTICIPATION PROCESS

On behalf of the Applicant, Nisarox (Pty) Ltd., notice is hereby given of the commencement of the Public Participation Process and the availability of the Draft Scoping Report (DSR) for the proposed Prospecting Right with Bulk Sampling Application over Sea Concession Area 12B, Western Cape.

The Scoping process is undertaken in terms of the Minerals and Petroleum Resources Development Act (Act 28 of 2002), the National Environmental Management Act (Act 107 of 1998) and Environmental Impact Assessment (EIA) Regulations of 2014 (as amended). In terms of Government Notice Regulations (GNR) 983, 984 and 985 of 8 December 2014 of the National Environmental Management Act (Act 107 of 1998) as amended by GNR 517 of 11 June 2021 (referred to as the **EIA Regulations**) Environmental Authorisation from the Competent Authority, in this case, the Department of Mineral Resources Western Cape Region, is required before the undertaking of any activity triggered within GNR 983, 984 and/or 985, as amended.

In line with the EIA Regulations Section 41(5) (b) (iii), registered Interested and/or Affected Parties (I&AP's) must be notified in writing of the availability of the DSR for the 30-day comment period. The scoping and environmental impact assessment process is illustrated in Figure 1 on page 2, and where we are in the process is indicated.

A copy of the Draft Scoping Report and Appendices can be downloaded from the following link: <https://tinyurl.com/3x9h4p9p> and from the GroenbergEnviro website (www.groenbergenviro.co.za).

The legislated 30-day comment period commences from 14 September 2022 until 14 October 2022.

As contemplated in the Protection of Personal Information Act, 2013 (Act no. 4 of 2013), for the purposes of this particular project, private information will only be made available to the public as and when required on receipt of written consent specified by the I&AP. Should the I&AP wish to provide consent, a form is included in **Appendix A** below, which can be returned to the EAP, at details indicated below.

Should you have any queries please contact the undersigned as per the contact details included below.

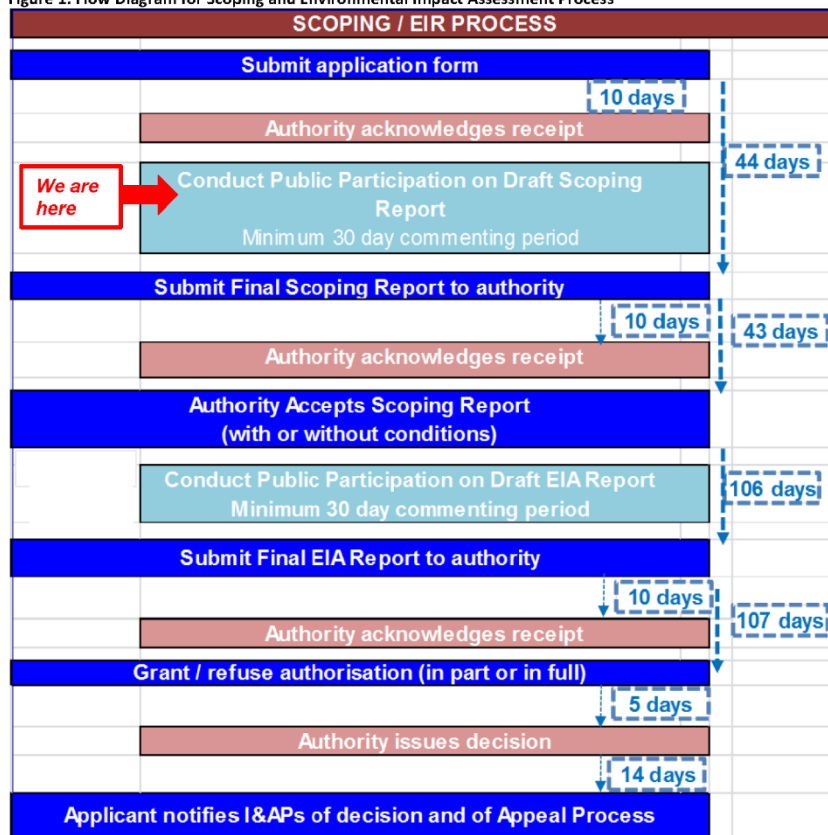
Yours sincerely



Helene Botha
EAP/Water license Consultant
EAPASA reg no.: 2019/558
Cell: 079 509 0785 (available after 14:00)
Fax: 086 476 7139
Postal address: P.O. Box 1058, Wellington, 7654
Email: helene@groenbergenviro.co.za
www.groenbergenviro.co.za

Fax: 0864767139 Cell: 0827763422 Email: pbps@iafrica.com Director: P Badenhorst Company: GroenbergEnviro (Pty) Ltd 2015/328782/07

Figure 1: Flow Diagram for Scoping and Environmental Impact Assessment Process



Appendix A: POPIA Consent Form

Regulation 42 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) provides for the opening and maintenance of a register of interested and affected parties (I&APs), by the proponent or applicant, which must contain personal information (names, contact details and addresses). It is therefore the duty of the proponent or applicant to collect the information that must be contained in the register.

Regulation 42 further requires that these registers must be submitted to the Competent Authority (CA). There is no legal requirement in the EIA Regulations that such registers must be included in the reports that are published for public consultation purposes or be made publicly available as part of the EIA process. Since the information in the registers is personal/private information, it should not be included in or attached to reports and be made available in the public domain. CAs, applicants and environmental assessment practitioners (EAPs) should take note that, if this information was previously included in reports and shared in the public domain, this now requires reconsideration in accordance with the POPIA. The Department realises that EAPs may have included some personal information in these reports when they receive and compile them. Likewise, this information may reach CAs who also now need to be sensitive about the management of this information.

Section 11(1)(a) of POPIA provides further that personal information may only be processed if the data subject consents to the processing.

The requirements of section 18.1 of POPIA requires that if personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of, amongst other things, the information being collected, the name and address of the responsible party (in this case the EAP and applicant), the purpose for which the information is collected, whether or not the supply of the information by the data subject is voluntary or mandatory, the consequence of the failure to provide the required information, further information such as the recipient of the information, as well as the existence of the right to object to the processing of the personal information.

EAPs should obtain express consent from commenting parties to include their names with their comments in the reports. It is therefore recommended that the EAP, when requesting comment, should also request the persons who may comment to provide consent that their names may be included with their comments in the reports. Commenting parties should also be informed that they may opt to not have their names shared, as well as an indication of the consequences of such an option being exercised, in which case only the comments will be included. This will ensure that the requirements of section 11(1)(a) of POPIA, which provides that personal information may only be processed if the data subject consents to the processing, is given effect to. Even when consent is obtained it is recommended that only the minimum details (the names) should be included in reports and the inclusion of unnecessary and excessive information should be avoided.

I, _____ (full name) therefore, herewith give consent that my personal details (telephone, email and postal address may be made public, only for the purposes of the lawful public participation process for the project

Note, however, that should written consent not be received, personal details will only be included in reports submitted to the CA.

.....
Name

.....
Date

.....
Signature

7 PROOF OF NOTIFICATIONS

7.1 Proof of Commencement of Scoping Phase Notification Emails Sent for dSR to all I&AP's

7.2 Proof of Submission of dSR via SAHRIS
To be included in FSR.

8 COMMENTS RECEIVED

To be included in FSR.

9 COMMENTS AND RESPONSES

9.1 Summary of Issues Raised by I&APS and Responses

This table has been completed following the comment period on the DSR that ends on the 14th of October 2022. Comments received on the dSR will be recorded in this table.

Interested and Affected Parties List the names of persons consulted in this column, and Mark with an X where those who must be consulted were in fact consulted.	Date Comments Received	Issues raised	EAPs response to issues as mandated by the applicant	Section and paragraph reference in this report where the issues and or response were incorporated.
AFFECTED PARTIES				
Landowner	X			
Lawful occupier/s of the land				
Landowners or lawful occupiers on adjacent properties	X			
Municipal Councillor	X			
Municipality	X			
Organs of state (Responsible for infrastructure that may be affected Roads Department, Eskom, Telkom, DWA)	X			
Communities				
Dept. Land Affairs				
Traditional Leaders				
Dept. Environmental Affairs & Nature Conservation	X			
Other Competent Authorities affected	X			
OTHER INTERESTED & AFFECTED PARTIES				



DATE: 13 September 2022

DMR REF. NO.: WC 30/5/1/1/2/10424PR

PROPOSED PROSPECTING RIGHT AND BULK SAMPLING FOR DIAMONDS OVER SEA CONCESSION 12B, WESTERN CAPE

SCOPING PHASE PUBLIC PARTICIPATION PROCESS

On behalf of the Applicant, Nisarox (Pty) Ltd., notice is hereby given of the commencement of the Public Participation Process and the availability of the Draft Scoping Report (DSR) for the proposed Prospecting Right with Bulk Sampling Application over Sea Concession Area 12B, Western Cape.

The Scoping process is undertaken in terms of the Minerals and Petroleum Resources Development Act (Act 28 of 2002), the National Environmental Management Act (Act 107 of 1998) and Environmental Impact Assessment (EIA) Regulations of 2014 (as amended). In terms of Government Notice Regulations (GNR) 983, 984 and 985 of 8 December 2014 of the National Environmental Management Act (Act 107 of 1998) as amended by GNR 517 of 11 June 2021 (referred to as the **EIA Regulations**) Environmental Authorisation from the Competent Authority, in this case, the Department of Mineral Resources Western Cape Region, is required before the undertaking of any activity triggered within GNR 983, 984 and/or 985, as amended.

In line with the EIA Regulations Section 41(5) (b) (iii), registered Interested and/or Affected Parties (I&AP's) must be notified in writing of the availability of the DSR for the 30-day comment period. The scoping and environmental impact assessment process is illustrated in Figure 1 on page 2, and where we are in the process is indicated.

A copy of the Draft Scoping Report and Appendices can be downloaded from the following link: <https://tinyurl.com/3x9h4p9p> and from the GroenbergEnviro website (www.groenbergenviro.co.za).

The legislated 30-day comment period commences from 14 September 2022 until 14 October 2022.

As contemplated in the Protection of Personal Information Act, 2013 (Act no. 4 of 2013), for the purposes of this particular project, private information will only be made available to the public as and when required on receipt of written consent specified by the I&AP. Should the I&AP wish to provide consent, a form is included in **Appendix A** below, which can be returned to the EAP, at details indicated below.

Should you have any queries please contact the undersigned as per the contact details included below.

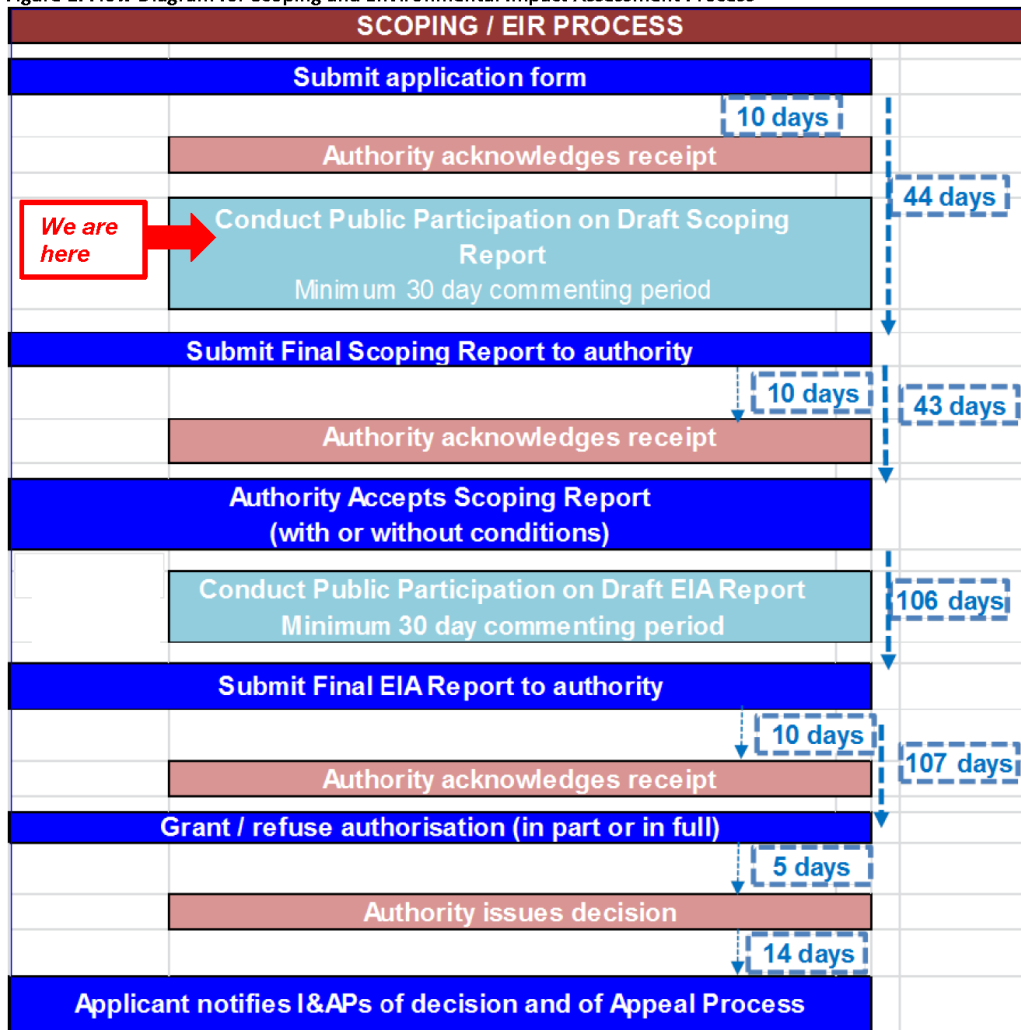
Yours sincerely



Helene Botha
EAP/Water license Consultant
EAPASA reg no.: 2019/558
Cell: 079 509 0785 (available after 14:00)
Fax: 086 476 7139
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Figure 1: Flow Diagram for Scoping and Environmental Impact Assessment Process



Appendix A: POPIA Consent Form

Regulation 42 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) provides for the opening and maintenance of a register of interested and affected parties (I&APs), by the proponent or applicant, which must contain personal information (names, contact details and addresses). It is therefore the duty of the proponent or applicant to collect the information that must be contained in the register.

Regulation 42 further requires that these registers must be submitted to the Competent Authority (CA). There is no legal requirement in the EIA Regulations that such registers must be included in the reports that are published for public consultation purposes or be made publicly available as part of the EIA process. Since the information in the registers is personal/private information, it should not be included in or attached to reports and be made available in the public domain. CAs, applicants and environmental assessment practitioners (EAPs) should take note that, if this information was previously included in reports and shared in the public domain, this now requires reconsideration in accordance with the POPIA. The Department realises that EAPs may have included some personal information in these reports when they receive and compile them. Likewise, this information may reach CAs who also now need to be sensitive about the management of this information.

Section 11(1)(a) of POPIA provides further that personal information may only be processed if the data subject consents to the processing.

The requirements of section 18.1 of POPIA requires that if personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of, amongst other things, the information being collected, the name and address of the responsible party (in this case the EAP and applicant), the purpose for which the information is collected, whether or not the supply of the information by the data subject is voluntary or mandatory, the consequence of the failure to provide the required information, further information such as the recipient of the information, as well as the existence of the right to object to the processing of the personal information.

EAPs should obtain express consent from commenting parties to include their names with their comments in the reports. It is therefore recommended that the EAP, when requesting comment, should also request the persons who may comment to provide consent that their names may be included with their comments in the reports. Commenting parties should also be informed that they may opt to not have their names shared, as well as an indication of the consequences of such an option being exercised, in which case only the comments will be included. This will ensure that the requirements of section 11(1)(a) of POPIA, which provides that personal information may only be processed if the data subject consents to the processing, is given effect to. Even when consent is obtained it is recommended that only the minimum details (the names) should be included in reports and the inclusion of unnecessary and excessive information should be avoided.

I, _____ (full name) therefore, herewith give consent that my personal details (telephone, email and postal address may be made public, only for the purposes of the lawful public participation process for the project

Note, however, that should written consent not be received, personal details will only be included in reports submitted to the CA.

.....
Name

.....
Date

.....
Signature