



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

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ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/3/3/2/1 (10631) EM
Last amended:	First issue
Holder of authorisation:	Kobus Duvenhage Bouers (Pty) Ltd
Location of activities:	Erf 1768 Kakamas

DECISION

ACRONYMS

NEMA:	The National Environmental Management Act, 1998 (Act no 107 of 1998), as amended
DEPARTMENT:	Department of Mineral Resources
EA:	Environmental Authorisation
IEA:	Integrated Environmental Authorisation
EMPr:	Environmental Management Programme
BAR:	Basic Assessment Report
S&EIR:	Scoping and Environmental Impact Report
I&AP:	Interested and Affected Parties
ECO:	Environmental Control Officer
NHRA:	National Heritage Resources Agency
SAHRA:	South African Heritage Resources Agency
EIA REGULATIONS:	EIA Regulations, 2014
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) as amended
NEMA: WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended
EIA:	Environmental Impact Assessment

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activity(ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this environmental authorisation.



ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby grants an application for EA by **Kobus Duvenhage Bouers (Pty) Ltd** with the following contact details –

Kobus Duvenhage Bouers (Pty) Ltd

Private Bag x5879

UPINGTON

8800

Tel no: (054) 334 0031

Fax no: (054) 334 0007

to undertake the following activities listed in the NEMA EIA Regulation.

NEMA: LISTED ACTIVITIES:

Listed activities on listing notice 1 of the EIA Regulations R. 326 of 2017 as:-

Activity 21 – “Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), including –

- (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or
 - (b) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing;
- But excluding the secondary processing of a mineral resource, including smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.

Activity 22 – “ The decommissioning of any activity requiring-

- (i) A closure certificate in terms of Section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act no 28 of 2002) ; or
- (ii) A prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;

But excluding the decommissioning of any activity relating to the secondary processing of a-

- (a) Mineral resource, including the smelting , beneficiation , reduction, refining, calcining or gasification of the mineral resource; or
- (b) Petroleum resource, including the refining of gas, beneficiation ,oil or petroleum products; -

In which case activity 31 in this Notice applies.



Activity 27- “ The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) The undertaking of linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

Activity 28- “ Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) Will occur inside an urban area, where the total land to be developed is bigger than 5 hectares
- (ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

The proposed EA application entails the following activities:

- This operation will only involve the loading and hauling of raw river sand. Only one front end loader will be used for loading and hauling and no processing will take place.
- The only surface disturbance except for the mining excavation within the drainage channel, will be a small stockpile area and parking for equipment outside the drainage channel.
- The depth of the mining excavation will be less than 2m as only the top layer of the sand is mined.
- Backfilling is not an option as the sand will be completely removed as it is washed in form upstream.
- Waste will be removed as it is created, excavation will be planned so that topography restoration is less complicated.

Application area boundary coordinates

28°36'47.06" S 20°53'44.16" E

C0036 0006 00001768 00000



The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions).The Environmental Management Programme (EMPr) attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the operation.

EA SITE SPECIFIC CONDITIONS

1. Protected plant species must not be removed (disturbed, cut and destroy their products which may not be possessed, collected, removed, transported, exported, donated, purchased or sold) unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
2. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones
3. An Integrated Water Use License (IWUL) must be obtained from the Department of Water and Sanitation (DWS) prior commencement of activity.
4. Wetland and riverine areas are to be considered as no go zones unless authorisation is obtained. Ensure that construction activities are outside the demarcated wetland area. No activity should be allowed to encroach on to wetland system.



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Kobus Duvenhage Bouers (Pty) Ltd submitted an application for an EA for activities listed in the EIA Regulations.

Listed activities on listing notice 1 of the EIA Regulations R. 326 of 2017 as:-

Activity 21 – “Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), including –

- (c) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or
- (d) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing;
But excluding the secondary processing of a mineral resource, including smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.

Activity 22 – “ The decommissioning of any activity requiring-

- (iii) A closure certificate in terms of Section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act no 28 of 2002) ; or
- (iv) A prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;
But excluding the decommissioning of any activity relating to the secondary processing of a-
 - (c) Mineral resource, including the smelting , beneficiation , reduction, refining, calcining or gasification of the mineral resource; or
 - (d) Petroleum resource, including the refining of gas, beneficiation ,oil or petroleum products; -
In which case activity 31 in this Notice applies.

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- (iii) The undertaking of linear activity; or
- (iv) Maintenance purposes undertaken in accordance with a maintenance management plan.

Activity 28- “ Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (iii) Will occur inside an urban area, where the total land to be developed is bigger than 5 hectares
- (iv) Will occur outside and urban area, where the total land is be developed is bigger than 1 hectare;

Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.



Kobus Duvenhage Bouers (Pty) Ltd appointed Green Direction Sustainable Consulting (Pty) Ltd to undertake the Basic Assessment Report as required by Regulation 19 of the EIA Regulations.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form received by the Department on 14th September 2017;
- b) The information contained in the final BAR received by the Department on 22nd February 2018.
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) attached in Summary of the Public Participation of the EMPr;
- e) The Rehabilitation Plan (Impact management) described in the EMPr;
- f) The Environmental Awareness Plan described in the EMPr;
- g) Heritage Impact Assessment report;
- h) Palaeontological desktop study report.

3. Key factors considered in making the decision

All the information presented to the Department was taken into account upon the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- a. A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2014 for public involvement.
- b. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMPr compiled by J.A. Barnard of Green Direction Sustainable Consulting (Pty) Ltd.
- c. The Rehabilitation Plan (Impact management) described in the EMPr.
- d. The Environmental Awareness Plan described in the EMPr.
- e. The procedure that has been followed is in accordance with the NEMA, NEMWA and the EIA Regulations of 2014.
- f. A financial provision of R50 000.00 for operational and/or management of negative environmental impacts that will be resulting from these proposed mining activities has been provided by the applicant. This has been provided in form of a cash deposit. This amount is deemed sufficient by the concerned official of the Department.



- g. The concerns that were raised by the interested and affected parties were responded to in a satisfactory manner, and also included as mitigation measures in the EMPR. These measures also include a contract between a land owner and the applicant. David Morris from McGregor Museum, Kimberley was contracted by Green Direction to undertake a Heritage Impact Assessment as required under section 38(8) of the NHRA (No. 25 of 1999). The results of this study shown that the precolonial / stone age material noted at the portion of Lot 1768 investigated was found to be generally of low significance, where present at all. No archaeological materials were found in the sand source area within the dry bed of the Hartebees River. Critical used here for impact significance assessment for archaeological traces rate the impact not worthy for further investigation
- h. Professor Marion Bamford from Wits University was contracted by Green Direction to undertake a Palaeontological Impact Assessment for the proposed operation situated in the Hartebees River on erf 1768. Based on the nature of the project, the alluvial sands will be removed and the ground would be penetrated. Since there is no chance of finding fossils in either the hard rock or loose surface sands there would be no impact on the fossil heritage. There is no chance of finding fossils so a phase 2 or site visit is not recommended. Taking into account of the defined criteria the potential impact to fossil heritage resources is zero.
- i. All the studies and information gathered and obtained for this development integrate social, economic and environmental factors into planning.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process (PPP) attached in the BAR and EMPr complied with Chapter 6 of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
- Notices were placed at the project site;
 - Notices were sent to all key stakeholders and the registered interested and affected parties;
 - Registration on a database for Background Information Documents (BID);
 - No objection was received from the consulted interested and affected parties;
 - Comments and issues raised by interested and affected parties were adequately addressed.



ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holder of the EA contact details change including name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the activities.
- 1.6. The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1. The holder of IEA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
 - 2.2. Notify all registered I&APs of –
 - 2.2.1. The outcome of the application;
 - 2.2.2. The date of the decision;
 - 2.2.3. The date of issue of the decision and;
 - 2.2.4. The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions on Annexure 2
- 2.3. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,
- 2.4. Draw the attention of all registered I&APs to the manner in which they may access the decision.



- 2.5 Provide the registered I&APs with:
- 2.5.1 Name of the holder (entity) of this EA
 - 2.5.2 Name of the responsible person for this EA
 - 2.5.4 Postal address of the holder;
 - 2.5.5 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITY (IES)

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.4 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.5 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.6 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.7 All vehicle must be serviced and maintained in the manner whereby no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.8 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.9 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.10 **The protection of all historical and pre-historical cultural resources must remain on site and no prospecting activity/-ies is/are allowed within 100 diameters from those resources.** Should



any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA). SAHRA APM Unit (Natasha Higgitt/ Phillip Hine 021 462 5402) must be alerted. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) unit (Thingahangwi Tshivhase/ Mimi Seetelo 021 320 8490), must be alerted immediately.

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; maddens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a phase 2 rescue operation may be required subject to permits issued by SAHRA.

- 3.10.1 The recommendations made by the specialist on archaeological and paleontological studies shall be implemented by the EA holder.
- 3.10.2 Heritage Monitoring must be completed by a qualified archaeologist and monitoring results must be submitted on a regular basis to SAHRA.
- 3.11 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.12 Hydraulic fluid or chemicals must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 3.13 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works.
- 3.14 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.15. This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.16. The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMP.
- 3.17. This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.



- 3.18. The holder of EA must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the Environmental Management Plan or Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 3.19. The holder of EA must note that in terms Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management licence is issued in respect of that activity if licence is required.
- 3.20. An appeal under Section 43 (7)of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.21 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.22 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.23 The storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.24 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is granted provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken.
- 3.25 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.26 This EA will only be effective on the event that a corresponding right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without right.
- 3.27 The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 3.28 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.



4. MANAGEMENT OF ACTIVITY (IES)

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (ies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).
- 4.2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.
- 4.4 A buffer zone of 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6. The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licensed to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.7 The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
- 4.8 Non-compliance with any condition of this IEA or EMPr may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.9 This EA only authorises activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr
- 4.10 Only listed activities that are expressly specified in the EMPr that forms part of this IEA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, removal or updating of any detail in the aforesaid EMPr.
- 4.11 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.12 The Holder of EA must ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.
- 4.13 The ECO must:



- 4.13.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material
 - 4.13.2. Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.13.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.13.4. Keep copies of all environmental reports submitted to the Department.
 - 4.13.5. Keep the records of all permits, licences and authorisations required by the operation.
 - 4.13.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.14. The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA
 - 4.15. The footprint of the activity (ies) must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a “no go” areas.
 - 4.16. Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
 - 4.17. The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.
 - 4.18. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

5 REPORTING TO THE DEPARTMENT

5.1. The holder of EA must:

- 5.1.1. submit and Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must the audit report must specify whether conditions of this environmental authorisation and EMPPr/closure plan are adhered to;
- 5.1.2. identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
- 5.1.3. identify shortcomings in the EMPPr/closure plan, if applicable;
- 5.1.4. identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPPr/closure plan;
- 5.1.5. if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
- 5.1.6. Specify the name of the auditor and
- 5.1.7. Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.



- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMP/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 5.4. The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.5 The holder of the EA must, within 24 hours of incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.6 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.6.1.1 Correct the impact resulting from the incident;
 - 5.6.1.2 Prevent the incident from causing any further impact; and
 - 5.6.1.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the IEA.

6. SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at each entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the IEA and the person responsible for the operation of the site.

7. EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the IEA must maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
 - 7.1.1 Site Fire
 - 7.1.2 Spillage
 - 7.1.3 Natural disasters such as floods
 - 7.1.4 Industrial action
 - 7.1.5 Contact details of police, ambulances and any emergency centre closer to the site.



7.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

8. INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

9. COMMISSIONING AND DECOMMISSIONING

- 9.1 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.

10. SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes
- 10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11. ADDITIONAL CONDITIONS

- 11.1 The water user is expected to assess all the potential water uses (associated with mining) as defined under section 21 of the National Water Act, 1998 (Act 36 of 1998). All identified water uses



will need to be authorized in terms of Section 40 of the National Water Act, unless such a water use is permissible under section 22 of the Act.

12. NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

13. DISCLAIMER


The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

14. RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels. **The authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards


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REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE.....