



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeeck, Hopley Centre Building, Springbok, 8240
Tel: 027 712 8175 Fax: 027 712 1959 Enquiries: Linda Njemla Email: Linda.Njemla@dmr.gov.za,
Ref: NCS30/5/1/3/2(10610) EM

From: Mineral Regulation Sub-Directorate: Mine Environmental Management

The Municipal Manager
Hantam Local Municipality
Private Bag x14
Calvinia
8190

Attention: Ms Belinda Gravett

Fax no: (086) 513 0154

AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR A MINING PERMIT OF "GRAVEL" ON A PORTION 5 OF THE FARM HOLS PADS LEEGTE NO. 32, SITUATED IN THE MAGISTERIAL DISTRICT OF CALVINIA: NORTHERN CAPE REGION

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24L of National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Northern Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

Appeal to the Department of Environmental Affairs


Attention : Directorate Appeals and Legal Review
Email : appealsdirectorate@environment.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria**, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention: Regional Manager: Northern Cape Region
By facsimile: (027) 712 1959
E-mail: Pieter.Swart@dmr.gov.za and copy linda.njemla@dmr.gov.za
By post: Private Bag X 14, **Springbok**, 8240
By hand: Hopley Centre Building, Corner van der Stel & van Riebeeck Street, **Springbok**, 8240

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards



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REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE: 20/02/08



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Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeck, Hopley Centre Building, Springbok, 8240

INTERGRATED ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/3/2 (10610) EM
Last amended:	First issue
Holder of authorisation:	Hantam Local Municipality
Location of activities:	A portion 5 of the farm Hols Pads Leegte no. 32 in the Magisterial District of Calvinia; in the Northern Cape Region

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEA	Department of Environmental Affairs
DEPARTMENT:	Department of Mineral Resources.
EA:	Environmental Authorisation.
ECO:	Environmental Control Officer
EIA REGULATIONS:	EIA Regulations, 2014
EIA:	Environmental Impact Assessment.
EMPr:	Environmental Management Programme
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEM:WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
NEMA:	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
S&EIR:	Scoping and Environmental Impact Report
SAHRA:	South African Heritage Resource Agency

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this integrated environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities 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 and NEMWA, the Department hereby grants an application for EA by **Hantam Local Municipality** with the following contact details –

The Municipal Manager
Hantam Local Municipality
Postal Address: Private Bag X14,
Calvinia
8190
Physical Address: Hope Street
Calvinia
8190

Tel no: (027) 341 8500

Fax no: (027) 341 8591

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. 327 of 2017 as:-

Activity Number 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 No. 28 of 2002), including —

- (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or [including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)].
- (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 the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.

The proposed mining permit application entails the following activities:

- Excavation for the borrow pit 0,7 ha
- Laydown area establishment 0,072 ha
- Access road establishment of less than 4 m
- Access gate
- Site clearance and vegetation removal
- Temporary vehicle, chemical and hydrocarbon storages and office
- Mobile waste generation storage and disposal



- Mobile ablution facilities
- Rehabilitation of project area

Detailed specifications of the activity are as follows:

Proposed mining details are as follows:
Area to be transformed – is less than 1ha. 2400 m ³ of gravel will be extracted from the borrow pit. An access route (less than 4 m) will be scraped as well as a 3m wide access gate, which will allow one truck to enter the laydown area at a time. The historically disturbed land adjacent to the proposed borrow pit site shall be used as a laydown area (0.072 ha).
21 digit surveyor general code
C02600000000003200005

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 when applicable.
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.
5. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
6. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
7. The waste storage facility shall be structured to the National Environmental Management Waste Act, 2009 when applicable.
8. Dust at the haul roads shall meet the required norms and standards as per the National Environmental Management Air Quality Act, 2004.



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

- (i) Hantam Local Municipality submitted an application for an EA on the 29th June 2017 for activities listed in the EIA Regulations as:

Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 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 No. 28 of 2002), including —

- (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or [including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)].
- (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 the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.
- (ii) This application is supplementary to the mining permit and associated activities in terms of Section 24 of National Environmental Management Act, 1998 (act 107 of 1998) read with Regulation 25 of the Environmental Impact Assessment Regulations, 2014, which are promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended.
- (iii) The company applied in terms of Regulation 19 which requires a submission of a Basic Assessment Report (BAR).

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 section 1 above; as well as the importance of this activity.
- b) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- c) Public Participation Process (PPP) conducted as per the requirements outlined in Regulation 41, 42, 43 and 44 of the NEMA EIA Regulations 2014, as well as the Department of Environmental Affairs and Development Planning Guideline of Public Participation 2011.
- d) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, as included in the Basic Assessment report dated 03rd August 2017;

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. According to the Namakwa District Biodiversity Sector Plan (Refer to Appendix 7 for the CBA map) the proposed site will be located within an identified ecological support area (ESA), class ESA_T (terrestrial corridor), proposed for conservation as part of the Sak River's migration corridor. Therefore, a bonitical specialist, Mr Peet Botes for PB Consultants conducted bonitical studies (attached as Appendix 7.1 of the BAR) for this activity. He concluded that the significance of the impacts of this activity is from low to medium and it is unlikely to have any significant in the current biodiversity as well as the conservation targets of the region. The specialist further made recommendations on how to minimize impact to the environment.
- c. A Paleontological Heritage Impact Assessment was also conducted by Dr John Almond of Natura Viva CC (Appendix 7.2). This study revealed that the proposed borrow pit is underlain by basinal mudrocks of the Prince Albert Formation (lower Ecca Group) of Early Permian age. Elsewhere in the Main Karoo Basin these mudrocks have yielded a range of fossil fish, marine to non-marine invertebrates and petrified wood, often preserved within digenetic nodules, as well as various trace fossils (e.g. invertebrate burrows, coprolites, fish swimming trails and arthropod trackways). However, only low-diversity trace fossil assemblages (mainly horizontal burrows) were recorded within and on the outskirts of the Brandvlei borrow pit study area during field assessment. These fossil borrows are of widespread occurrence while the overlying surface gravels are apparently unfossiliferous. Ancient (Tertiary) elevated alluvial gravels of the Sakrivier drainage system do not occur in the study area itself, although these are mapped a few kilometres to the north. Unique or rare fossil heritage resources are therefore not threatened by the proposed development.
- d. An Archaeological Impact Assessment conducted by the Agency for cultural Resource Management (Appendix 7.3) revealed that, the overall impact significance of the proposed borrow pit development at Brandvlei is rated as low. Given the low impact significance of the proposed development, no further specialist paleontological heritage studies or mitigation are recommended for this project, pending the discovery of substantial new fossil material during borrow pit excavation.
- e. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMPr compiled by Inge Erasmus and Bernard De Witt of Enviro Africa (Pty) Ltd.

4. Findings

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

- a) The necessary studies were conducted and the potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process (PPP) attached in terms of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:

- Displaying of posters on the site of the proposed development as well as Library and Municipality.
 - A newspaper advertisement was placed in the local newspaper "Noordwester/Messenger" on the 26th May 2017;
 - Notices were sent to all key stakeholders and the registered interested and affected parties including State Departments as from the 23rd May 2017;
 - Registration on a database for Background Information Documents (BID);
 - No objection was received from the consulted interested and affected parties;
- c) There is a Memorandum of Agreement between the applicant (Hantam Local Municipality), the land owner (Mr Dirk Jacobus Laubscher) and the contractor (Asla Construction (Pty) Ltd) (Appendix 8).



ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of 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 undertaking of such activity (ies).
- 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 EA 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.

