



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 HOL 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 : appealsdirector@environment.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria**, 0083





mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

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 Hol 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.

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 diagenetic 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. 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.
- 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. However, mitigation measures are also recommended for this project.(see condition 3.37)
- 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).



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.

- 3.32 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.
- 3.33 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.
- 3.34 The listed activity, 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.
- 3.35 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.
- 3.36 The 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) shall be a binding document which will form part of this EA conditions. The Department shall ensure that these conditions are implemented.
- 3.37 The recommendations stipulated in the specialist studies shall be implanted by the EA holder, even if they do not favour him.
- 3.37.1 Commencement of the activity, shall be per requirements as per the final comment issued by SAHRA in terms of section 38(4) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) where by the EA holder shall ensure that:
- (i) Site 1 must be subjected to a targeted and systematic collection of archaeological remains prior to any construction/mining operation commencing; and
 - (ii) A permit to collect archaeological remains must be requested from the SAHRA.

4. MANAGEMENT OF ACTIVITIES

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activities 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 properties.
- 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 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 EA 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 EA 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 NEMWA and NEMA
- 4.15 The footprint of the activities 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.

