

**Project Reference:** 710.23001.00007

**DMR Ref:** NW 30/5/1/2/3/2/1/339 EM

**File Ref.** 2017-04-06 DMR Decision notification letter to IAPs final

**Date:** 6 April 2017

**ATTENTION: INTERESTED AND AFFECTED PARTIES**

**INTEGRATED ENVIRONMENTAL AUTHORISATION DECISION ON CHANGES TO  
INFRASTRUCTURE AT BAKUBUNG PLATINUM MINE, LEDIG, NORTH WEST  
PROVINCE**

Dear Interested and Affected Parties

**Authorisation information**

Bakubung Minerals (Pty) Ltd applied for Changes to Infrastructure at Bakubung Platinum Mine, located on Remaining extent and portions 1, 3, 4, 11 of the farm Frischgewaagd 96 JQ and the remainder of the farm Mimosa 81JQ, Ledig, North West Province. On the 27<sup>th</sup> March 2017, Bakubung Minerals (Pty) Ltd were granted a positive integrated environmental authorisation (IEA) by the Department of Mineral Resources (DMR), reference number: NW/30/5/1/2/3/2/1 (339) EM for the proposed project, in terms of the National Environmental Management Act (NEMA; No. 107 of 1998) and National Environmental Management Waste Act (NEMWA; No. 59 of 2008). The decision is dated 27 March 2017 and was received on 5 April 2017.

**Holder of the amended IEA:** Bakubung Minerals (Pty) Ltd

**Name of responsible person for this amended IEA:** Eddie Mohlabi

**Postal address of holder:** Private Bag X16, Northlands 2116

**Telephonic and Fax details of the holder:** Telephone: 011 994 4600 Fax: 011 994 4601

**Email of the holder:** eddie.mohlabi@wesizwe.com

This letter serves to notify you of the positive decision in terms of NEMA and Section 2 of Annexure 2 of the Environmental Authorisation

**Reason for decision**

The reasons given for the positive decision are summarised below.

- All information presented to the DMR was taken into account upon the Department's consideration of the application. A summary of the issues, which in the departments view, were the most significant included:
  - The environmental impacts associated with the proposed activities will be addressed by the proposed mitigation measures outlined in the Environmental Management Programme Report (EMPR);
  - As required in terms of Section 24P of NEMA as read with regulation 4 of the regulations pertaining to financial provisions for prospecting, exploration, mining or production operations, the company has supported the application with the requested financial provision to the amount of R1 016 360.94 (one million, sixteen thousand, three hundred and sixty rand and ninety four cents) in the form of a bank guarantee issued by Investec Bank Limited;
  - A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in Chapter 6 of Regulation 41 of the EIA regulations, 2014; and
  - Specialist studies investigated the impacts and provided mitigation measures which are to be adhered to.

It was found that:

- The potential impacts of the proposed site were clearly investigated and mitigation measures outlined;
- Public participation process complied with Chapter 6 Regulation 41 of the EIA Regulations, 2014; and
- The Department was satisfied that the proposed listed activity/ies applied for in the project will not conflict with the general objectives of integrated 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.

Full details on the decision are contained in the IEA. A copy of the IEA is available to Interested and Affected Parties on request from SLR Consulting (Africa) (Pty) Ltd (see contact details below).

**Departmental standard conditions**

- The holder of the amended IEA shall be responsible for ensuring compliance with the conditions contained in the amended IEA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, sub-contractor, employee,

consultant or any person rendering a service to the holder of the amended IEA;

- Any changes to or deviations from the project description set out in this amended IEA must be approved in writing by the Department before such changes or deviations may be effected. In assessing whether to grant such an approval or not, the Department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the Environmental Authorisation to apply for further authorisation in terms of the EIA regulations.
- The activities, which are authorised, may only be carried out at the properties indicated in the amended IEA and or on the approved EMPR
- Where any of the holder of the amended IEA contact details changed, including the name of the responsible person, physical or postal address or telephonic details, the holder of the amended IEA must notify the Department as soon as the new details become known to the holder of the IEA.
- The amended IEA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- The holder of the amended IEA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals

### **Updating of the IEA**

It should be noted that there were some typographical errors in the issued IEA. The DMR have been consulted for the correction of these.

### **Appeals**

Interested and Affected Parties may lodge an appeal against the decision of the DMR in terms the National Appeals Regulation GNR 993 of 2014. Should you wish to appeal any aspect of the decision, you must submit an appeal within 20 days (excluding public holidays) from the date of the notification. The appeal is to be submitted to the Minister of the Department of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (North West Regional Office), details provided below.

### **Department of Environmental Affairs**

Attention: Directorate Appeals and Legal Review

Email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

By Post: Private Bag x447 Pretoria, 0001

By Hand: Environmental House, corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

**Department of Mineral Resources**

Attention: Regional Manager: North West Region

By Facsimile: (018) 487 4394

Email: Pieter.Swart@dmr.gov.za

By Post: Private Bag A1, Klerksdorp, 2570

By Hand: Vaal University of Technology Building, cnr Margareth Prinsloo and Voortrekker Street, Klerksdorp, 2570

The appeal must be submitted in writing on an official appeal form which can be obtained from the Department of Environmental Affairs and accompanied by a statement setting out the grounds for appeal and supporting documentation. The appeal must be lodged as prescribed in terms of Chapter 2 of the National Appeals Regulation of 2014. Please refer to Appendix 1 for further details on the appeal process in terms of Chapter 2.

Should you have any queries or require further information please do not hesitate to contact Chiara D'Egidio Kotze.

Email: ckotze@slrconsulting.com

Mobile: +27 73 277 7228

Tel: +27 11 467 0945 (Ext 2005)

Fax: +27 11 467 0978

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'K' followed by the name 'Kotze' written in a cursive script.

**Chiara D'Egidio Kotze**

Environmental Assessment Practitioner

**APPENDIX 1. CHAPTER 2 OF THE NATIONAL APPEALS REGULATIONS GNR993****CHAPTER 2****Administration and processing of appeals****4. Appeal submission**

(1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
- (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).

(2) An appeal submission must be-

- (a) submitted in writing in the form obtainable from the appeal administrator; and
- (b) accompanied by-
  - (i) a statement setting out the grounds of appeal;
  - (ii) supporting documentation which is referred to in the appeal submission; and
  - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

**5. Responding statement**

The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

**6. Appeal panel**

(1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.

(2) The appeal panel contemplated in sub-regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;

(3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

## **7. Recommendations and decisions on appeals**

(1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.

(2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.

(3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.

(4) The decision contemplated in sub-regulation (3) must contain written reasons for the decision.

## **8. Communication**

(1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.

(2) In order to meet the time periods determined in these regulations, the person referred to in Sub-regulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.