



DEPARTMENT OF TOURISM,
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO
LE TSHOMARELO

DEPARTEMENT VAN TOERISME,
OMGEWING EN BEWARING

224 Du Toitspan Road
Private Bag X6102
KIMBERLEY
8300

224 Du Toitspan Road
Kgetsanaposo X6102
KIMBERLEY
8300

224 Du Toitspan Road
Inqoxwa yeposi X6102
KIMBERLEY
8300

Du Toitspanweg 224
Privaatsak X6102
KIMBERLEY
8300

Tel. (053) 807-4800

Fax (053) 831-3530

Enquiries :
Dipatlisiso :
Imibuzo :
Navrae :

Reference: **S.G Mbanjwa**
Tshupelo :
Isalathiso :
Verwysings :

Date :
Letlha :
Umhla :
Datum :

20th October 2009

**NNO 25/19
NC/KGA/KATHU/37/2008**

**Mr. Justin Pitt
1st Floor Wrigler Field, 57 Sloane Street, Bryanston
P.O. Box 98956
Sloane Park
2021**

Fax: 011- 575 3416

APPLICATION FOR AUTHORIZATION: GNR386: ACTIVITIES: 1a,1b,1c,1l,1n, 1q(i),7,12,13,14,15,16 AND GNR 387:ACTIVITIES: 1c,1e,1j,1s,2,5,5d,6 AND 10: ON FARM MAMATWAN 331 AND MOAB 700 AS PART OF ESTABLISHMENT OF A MANGANESE MINE , HOTAZEL, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2006, the Department hereby granted authorisation **APPLICATION FOR AUTHORIZATION: GNR386: ACTIVITIES: 1a,1b,1c,1l,1n, 1q(i),7,12,13,14,15,16 AND GNR 387:ACTIVITIES: 1c,1e,1j,1s,2,5,5d,6 AND 10: ON FARM MAMATWAN 331 AND MOAB 700 AS PART OF ESTABLISHMENT OF A MANGANESE MINE , HOTAZEL, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the ENVIRONMENTAL IMPACT REPORT JULY DATED 2009, subject to the conditions listed in the environmental authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within Seven (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit No 63/2009

A DESTINATION IN HARMONY WITH NATURE

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, inter alia, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Tourism, Environment and Conservation within 10 days of receiving this letter, by means of one of the following methods:

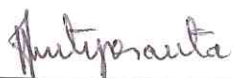
By facsimile: (053) 832 1026;

By post: Private Bag x 6102, Kimberley, 8300 or

By hand: T-Floor, MetLife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



**MR. JJ MUTYORAUTRA – DIRECTOR
ENVIROMENTAL MANAGEMENT**

DEPARTMENT OF TOURISM, ENVIRONMENT AND CONSERVATION

Date of Decisions: 21st October 2009

**CC: METAGO MOGRABI
011- 467 0978**

**Northern Cape Province
DEPARTMENT OF
TOURISM, ENVIRONMENT
& CONSERVATION**



**Porofensi Ya Kapa Bokone
LEFAPHA LA BOJANALA,
TIKOLOGO LE
SHOMARELO**

ENVIRONMENTAL AUTHORISATION

**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2006**

**Authorisation Register
Number:**

PERMIT 63/2009

Reference Number:

NC/KGA/KATHU9/37/08

Last Amended:

N/A

Holder of Authorisation:

NTSIMBINTLE MINING (PTY)LTD

Location of activity:

**ON THE FARMS MAMATWAN 331 AND MOAB 700, TO THE
SOUTH OF HOTAZEL IN THE JOHN TAOLO GAETSIWE
DISTRICT MUNICIPALITY, NORTHERN CAPE.**

DEFINITIONS

"Activity" means an activity identified in Government Notice No. R. 386 and No. R. 387 of 2006 as a listed activity.

"Applicant" means a person who has submitted an application

"Application" means an application for an environmental authorization in terms of chapter 3 of these regulations (of Government Notice No. 28753)

"Basic assessment" means a process contemplated in regulation 22 of Government Notice No. 28753

"Basic assessment report" means a report contemplated in regulation 22 of Government Notice No. 28753

"EAP" means an environmental assessment practitioner as defined in regulation 1 of Government Notice No. 28753

"Environmental Management Plan" means an environmental management plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 34 of Government Notice No. 28753

"Interested and affected party" means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes

- Any person, group of persons or organisation interested in or affected by an activity, and
- Any organ of state that may have jurisdiction over any aspect of the activity

"Public Participation Process" means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters

"Scoping" means a process contemplated in regulation 28(e)

"Scoping report" means a report contemplated in regulation 29

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998)

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises – Ntsimbintle Mining (Pty) Ltd

with the following contact details –

Justin Pitt
1st Floor Wrigley Field, 57 Sloane Str, Bryanston
P.O. Box 98956
SLOANE PARK
2021

Tel. : (011 575 3416
Fax. : (011) 575 3416

to undertake the following activity (hereafter referred " the activity")

as listed Government Notice 386, Activity No.1a; 1b; 1c; 1l; 1n;1p; 1q(i);7; 12; 13; 14; 15; 16 and Notice 387, Activity No.1c; 1e,1j,1s; 2; 5; 5d; 6; and 10 (GG. 28753) on farms Mamatwan 331 and Moab 700, as part of establishment of a manganese mine.

On farms Mamatwan 331 and Moab 700, Hotazel, John Taolo Gaetsiwe District Municipality, Northern Cape hereafter referred to as the "property".

The granting of this environmental authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity(s) which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs & Tourism, National Department of Agriculture, Department of Housing & Local Government, Department of Water Affairs & Forestry, Department of Minerals and Energy, Department of Transport, Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein:
 - i. Conditions: (11 & 23)
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.

18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
20. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.

Appeal of authorisation:

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
24. The notification referred to in 23 must –
 - specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
25. If the applicant should appeal against this record of decision, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. All mitigation measures and recommendations as laid down in the Environmental Management Plan are binding and must be implemented and strictly adhered to
27. The disturbance to the environment must be restricted to the absolute minimum.

Monitoring:

28. The applicant must appoint an Environmental Control Officer (ECO) that will have the responsibility of Implementing the approved EMP.

Recording and Reporting to the Department:

29. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any official from Compliance and Monitoring section of the Directorate: Environmental Management within seven (7) days of written request by the said officer.

Commissioning of the activity:

30. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
31. No protected tree must be cut, disturbed, damaged or destroyed and removed without a licence from the Department of Water.

Operation of the activity:

32. Relevant Occupational Health and Safety Standards must be observed at all times.
33. A permit must first be obtained from the Department of Water Affairs and Forestry for the removal of any protected tree.
34. No other fauna must be removed before any permit from the Department of Tourism, Environment and Conservation.
35. Any comments from the Department of Transport, Roads and Public Works must be considered before the construction of the activity.
36. A monitoring protocol must be established to monitor groundwater in boreholes surrounding the mine infrastructure.
37. Ambient PM 10, SO₂ and NO₂ monitoring be done and a dust fallout monitoring network established as soon as possible for the purpose of defining baseline air quality prior to the start of operation.
38. Traffic and information signs, as well as road markings, must be provided to ensure safe access to the existing development.
39. In terms of workers at the mine, dedicated loading and off-loading facility must be provided on the property of the mine.
40. In terms of the rail crossing on Road D3457, it is required that the mining industry together with the relevant road authority engage with the rail authority in order to discuss and agree in terms of what will be required at the relevant crossing.
41. If water will be acquired from Sedibeng Water / Vaal-Gamagara scheme for water the applicant must liaise with the Kgalagadi District Municipality and Sedibeng Water Board / Vaal-Gamagara in order to determine if additional water will be made available for the proposed operation and how these systems will be operated and maintained before commencement of the proposed operation and proof (copy) of confirmation thereof must be submitted to this Department.
42. *All applicable sections of the National Water Act (No.36 of 1998) must be met and strictly adhered to.*
43. Construction must be done during normal working hours as to minimise noise impact.
44. Pollution creating activities must be minimised.
45. All waste produced during the construction period must be removed and disposed off at a registered site.
46. On site chemical toilets must be used during the construction phase.
47. Any archaeological features and artefacts discovered during the operation must be reported to SAHRA.

Site Closure and Decommissioning:

48. In case of decommissioning of the project, the holder of Environmental Authorization must rehabilitate the site to the satisfaction of this Directorate: Environmental Management.
49. The ecosystem integrity must be promoted.
50. All cleared areas should be re-seeded once the topsoil has been replaced with a seed mixture reflecting the natural vegetation as it was found.

DURATION AND PERIOD OF VALIDITY

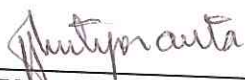
This activity(s) must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2006, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within ten (10) days of being notified of the decision, and an appeal must **be lodged within thirty (30) days** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Tourism, Environment & Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2006 Government Notice No. R. 385 of 21 April 2006.



MR. J.J. MUTYORAUTA
DIRECTOR: ENVIRONMENTAL MANAGEMENT
DATE OF ENVIRONMENTAL AUTHORISATION:

21st October 2009

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, Ntsimbintle Mining (Pty) Ltd, applied for authorization to carry on the following activities:
Establishment of a manganese mine on farms Mamatwan 331 and Moab 700.

The applicant appointed Ms. Colleen Parkins to undertake the Environmental Assessment Process.

The proposed activity involves one of the listed activities identified in Government Notice R 386, Activity No.1a; 1b; 1c; 1k(i); 1l; 1n; 1o; 1p; 1q(i); 1s; 7; 12; 13; 14; 15; 16 and Notice 387, Activity No.1c; 1e; 1g; 1h; 1j; 1p; 1s; 2; 5; 5d; 6; and 10 (GG. 28753). As a result the Environmental Assessment Process was followed.

2. Information considered in making the decision

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

The information contained in the Environmental Impact Report for the proposed establishment of mining operation on farms Mamatwan 331 and Moab 700, Hotazel.

- a) Relevant information contained in the Departmental information base including -
 - Environmental Impact Management Assessment Regulations promulgated in terms of the new Environment Management Act (No. 107 of 1989).
 - Public Participation guideline and
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- c) The findings of the site visit undertaken by Mr. H. Ndindane on **05th June 2009**.

3. Key factors considered in making the decision

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

- a) The Environmental Impact Assessment Report findings given the nature of the project, concludes that the potential impacts associated with the proposed development are of a nature and extent that can be reduced.
- b) The legal and procedural requirements have been complied with and the information contained in the Environmental Impact Assessment Report and Appendices is to the satisfaction of this Department.

4. Findings

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

- a) Environmental Impacts associated with the proposed project can be reduced to acceptable levels if properly managed.
- b) Adequate Public Participation Process took place.
- c) The legal and procedural requirements have been complied with and the information contained in the Environmental Impact Report and Appendices is to the satisfaction of this Department.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.