



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 6093, Kimberley, 8300, 65 Phakamile Mabija Street, Perm Building, Kimberley, 8301

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## ENVIRONMENTAL AUTHORISATION

<b>Reference Number</b>	NC/30/5/1/2/2/0206MR / 00083MR
<b>Last Amended</b>	First Issued
<b>Holder of Authorisation</b>	Tshipi é Ntle Manganese Mining (Pty) Ltd
<b>Location</b>	Farm Mamatwan 331, portion 16, 17, 18 and farm Moab 700.

## DECISION

### ACRONYMS

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

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014, ("EIA Regulations") the department herewith **grants** environmental authorisation to the **Tshipi é Ntle Manganese Mining (Pty) Ltd** to undertake the list of activities specified in Section B below and as described in the Environmental Impact Assessment and Environmental Management Amendment Report dated March 2017.

Tshipi é Ntle Manganese Mining (Pty) Ltd  
PO Box 2098  
**KATHU**  
8446

**Telephone** : 053 7394700  
**Fax** : 086 5778636

**FOR ATTENTION:** Pretorius Bezuidenhout

Dear Sir/Madam

#### **DECISION ON ENVIRONMENTAL AUTHORISATION**

The granting of this environmental authorisation is subject to compliance with the conditions set out in Section E below.

#### **A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Tshipi é Ntle Manganese Mining (Pty) Ltd  
PO Box 2098  
**KATHU**  
8446

**Telephone** : 053 7394700  
**Fax** : 086 5778636

The abovementioned **Tshipi é Ntle Manganese Mining (Pty) Ltd** is the holder of this EA and is hereinafter referred to as "the holder".



**B. TO UNDERTAKE THE FOLLOWING ACTIVITIES LISTED IN THE NEMA EIA REGULATION.**

**Activity Number:** 17 Government Notice No. R.984 of 4 December 2014 –

**Activity Description:**

Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, 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).

- An increase in the number, position, volume and layout of waste rock dumps
- Change to the design, capacity and position of the sewage treatment plant
- Change to the stormwater management system, position including additional storage
- Change to the potable water storage facilities capacity and position
- Change to the position of the office, plant and workshop
- Change to the number, position, volume and layout (footprint) of the ore stockpiles
- Change to the design of the railway line and an increase in length
- The establishment of an additional temporary run-off-mine (ROM) stockpile area
- The establishment of a tyre bays and an establishment of additional weighbridges
- The establishment of an additional topsoil stockpile area (No. 2) and expansion of the approved topsoil stockpile area
- Change in the position secondary crushing and screening plant
- The change in the position of the approved 78Ml stormwater dam
- Establishment of a clean and dirty water separation system
- Mining of the barrier pillar between the Tshipi Borwa Mine and the adjacent South 32 Mamatwan Mine.
- Widening of existing gravel haul road
- Establishment of diesel tank with capacity of 996 000 litres
- Transportation of fuel via underground pipeline

The abovementioned list is hereinafter referred to as "the listed activities".

The abovementioned list is hereinafter referred to as “the listed activities”.

**C. PROPERTY DESCRIPTION AND LOCATION**

The listed activity will take place on ***Farm Mamatwan no.331 Portion 16, 17 and 18, and Moab 700 (remaining extent)*** in magisterial district of Kuruman, Northern Cape Province).

Co-ordinates of the boundary of the properties are those that are described in the final site layout map attached hereto  
Hereinafter referred to as “the site”.

**22°57’38.863E**

**27°21’19.108S**

**22°56’30.871E**

**27°22’27.044S**

**22°58’52.923E**

**27°22’32.847S**

**22°58’34.888E**

**27°24’20.851S**

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

**Responsible person:** Natasha Smyth

**Physical address**

SLR Consulting (Africa) (Pty) Ltd

SLR House (Block 7) Fourways Manor Office Park

Cnr Roos and Macbeth Street Fourways

**JOHANNESBURG**

2060

**Postal address:**

PO Box 1596

**CRAMERVIEW**

2060

Telephone : 011 4670945

Fax : 011 4670978

**E. CONDITIONS OF AUTHORISATION**

1. This environmental authorisation is conditional upon the implementation of the approved EMPr.
2. This environmental authorisation will only be effective in the event that a corresponding mining right is issued in terms of the MPRDA and none of the listed activities in this authorisation may commence without such mining right being issued.
3. This environmental authorisation does not absolve the holder of its obligation to comply with the requirements of the National Water Act and any other applicable legislation.
4. Subject to the commencement and duration requirements of the MPRDA, the EA for the listed mining activity is valid for the period for which the aforesaid right/permit is granted provided that this activity must commence within 10 years.
5. The commissioning and decommissioning of individual activities within the overall listed mining activities must take place within the time periods as set out in the EMPr.
6. The listed activities, including site preparation, must not commence within 30 (twenty) calendar days of the date of the notification of the decision being sent to the registered Interested and Affected Parties ("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.

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4(2) of the EIA Regulations.

7.1 Notify all registered I&APs of –

- 7.1.1 the outcome of the application;
- 7.1.2. the reasons for the decision as included in Annexure 1;
- 7.1.3. the date of the decision; and
- 7.1.4. the date of issue of the decision;

- 6.2 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 Regulation, 2014 detailed in Section F below; and

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

6.4 Provide the registered Interested and Affected Parties with:

- 3.5.1 name of the holder (entity) of this Environmental Authorisation;
- 3.5.2 name of the responsible person for this Environmental Authorisation;
- 3.5.3 postal address of the holder;
- 3.5.4 telephonic and fax details of the holder; and
- 3.5.5 e-mail address if any.

5. The holder is responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

6. The holder of the EA must implement an Emergency Preparedness Plan and review it biennially when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
7. This EA only authorises activities specified in the EMPr and a new EA must be applied for in respect of any new activity not specified as part of the EMPr
8. A copy of the environmental authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMPr must be available on site to the aforesaid authorised official on request at all times.
9. Whenever any of the applicant's contact details, physical or postal address and/ or telephonic details change, the applicant must notify the competent authority in writing to that effect.
10. Non-compliance with a condition of this environmental authorisation 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.
11. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the Provincial Heritage Resources Authority. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; 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.



12. 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.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the all phases/ of implementation before commencement of any land clearing to ensure compliance with the EMPr and the conditions contained herein.
14. The holder of the environmental authorisation must:
  - 14.1 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.
15. The holder of the authorisation must appoint an independent auditor to audit the site biennially. This auditor must compile an audit report documenting the findings of the audit.

The audit report must:

- 15.1 specifically state whether conditions of this environmental authorisation and EMPr are adhered to;
- 15.2 identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
- 15.3 identify shortcomings in the EMPr, if applicable;
- 15.4 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr ;
- 15.5 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate; and
- 15.6 be submitted by the holder to the competent authority within 30 calendar days from the date on which the auditor finalised the audit.





Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr in order to rectify any shortcomings identified with the aforementioned audit report.

- 16 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.
- 17 No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 18 The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest must be adhered to.
- 19 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 20 This approval doesn't purport to absolve from their common law obligations towards the owner(s) of the surface of land affected.
- 21 Mining activities must conform to all legislation and such other conditions as may be imposed by the Regional Manager or any other official of this office, duly authorized thereto.
- 22 The Department is responsible for all surface disturbances on the mining area, which includes all historical surface disturbances.
- 23 The operation must comply with GN 704 (Regulations on use of water for mining and related activities aimed at the protection of water resources).



- 24 No waste will be allowed to be deposited in a natural drainage lines, erosion gullies and or dongas, unless agreed thereto in writing with the Regional Manager.
- 25 The operation must implement and control measures that will prevent the pollution of any water resource by oil, grease, fuel or chemicals.
- 26 All topsoil must be stripped and stockpile for the future rehabilitation.
- 27 During the operation must ensure that it comply with all declared weeds must be controlled continuously in terms of Reg.15 and 16 of Act 43 of 1983.
- 28 At all the times keep any natural water free from any matter or obstruction which may affect the efficiency thereof
- 29 The environment affected by this operation shall be rehabilitated by the holder of the right holder.
- 30 Regular monitoring of all the environmental management measures shall be done to ensure that the conditions are being adhered to.

## **F. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

### **1. An appellant must –**

- 1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 30 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;



- 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;

1.2 The applicant (if not the appellant) the decision-maker, I&APs 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.

1.3 The appeal form/s must be submitted by means of one of the following methods:

By post:                    Attention: Appeals and Review Directorate  
                                  The Minister  
                                  Department of Environmental Affairs  
                                  Private Bag X 447  
                                  PRETORIA  
                                  0001

Tel:                            (012) 399 9356

By hand:                    Environmental House, Corner Steve Biko and Soutspanberg,  
                                  Arcardia, Pretoria, 0083

By e-mail:                    [Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za)

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted. Mr Ziyaad Hassam

1.4 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at URL <http://www.deat.gov.za>

**G. 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



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**MR. PIETER SWART**  
**REGIONAL MANAGER: MINERAL REGULATION (NORTHERN CAPE)**

DATE OF DECISION:

3/1/2018

## ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the, application form as received by the competent authority on the 31 August 2017, the Environmental Impact Assessment and Environmental Management Amendment Report (“EIA and EMAR”)
- 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) (“NEMA”);
- c) The comments received from Interested and Affected Parties (“I&APs”) and the
- d) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

### 1. Public Participation

The PPP conducted as part of the EIA process included:

- identification of and engagement with I&APs;
- A notices were also placed on the different places and on the notice board at the close vicinity of the project site.
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activity is to be undertaken, the municipality ,

and the various Organs of State having jurisdiction in respect of any aspect of the listed activities.

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

## **2. Impacts, assessment and mitigation measures**

### **2.1. Activity Need and Desirability**

Taking the above into considered the mine will result in continued positive socio-economic impacts. The mine already contributes to the national South African economy at macro level by exporting its product that leverages foreign income into the country. The direct economic benefits derived from wages and services, taxes and profits. Indirect economic benefits derives from the procurement of goods and services and the buying power of employees.

### **2.2. Topsoil management**

- Topsoil shall be removed from all areas where physical disturbance other surface will occur
- The topsoil removed, shall be stored in a bund wall on the high ground side of the mining area outside the 1:50 flood level within the boundaries of the mining area.
- Topsoil shall be kept separate from overburden and shall not be used for building or maintenance of access roads.

- The topsoil stored in the bund wall shall be adequately protected from being blown away or being eroded.

### 2.3. Waste management

- Chemical toilet facilities or other approved toilet facilities such as a septic drain shall preferably be used and sited on the camp site in such a way that they do not cause water or other pollution.
- All effluent water from the camp washing facility shall be disposed of in properly constructed French drain, situated as far as possible, but not less than 200 metres, from any stream, river, pan, dam or borehole.
- Only domestic type wash water shall be allowed to enter this drain and any effluents containing oil, grease or other industrial substances must be collected in a suitable receptacle and removed from the site, either for resale or for appropriate disposal at a recognised facility.

### 2.4. Biodiversity

- All remaining natural corridors identified as significant biodiversity features must be mapped identified as “no-go area”.
- No flora may be removed, damaged or disturbed except to the extent necessary for the carrying out the work.

### 2.5. Oil spillage

- Spills shall be cleaned up immediately and/or the removing the spillage together with the polluted to the satisfaction manner.
- Non-biodegradable refuse such as glass bottles, plastic bags, metal scrap, etc., shall be stored in a container at a collecting point and collected on a regular basis and disposed of at a recognised disposal facility. Specific precautions shall be taken to prevent refuse from being dumped on or in the vicinity of the camp site.



- Biodegradable refuse generated from the office/camp site, processing areas vehicle yard, storage area or any other area shall either be handled as indicated above or be buried in a pit excavated for that purpose and covered with layers of soil, incorporating a final 0,5 metre thick layer of topsoil (where practicable).

## 2.6 Rehabilitation of excavated areas.

- Rocks and coarse material removed from the excavation must be dumped into the excavation simultaneously with the tailings.
- Waste will not be permitted to be deposited in the excavations.
- Once excavations have been refilled with overburden, rocks and coarse natural materials and profiled with acceptable contours and erosion control measures, the topsoil previously stored, shall be returned to its original depth over the area.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analyzed and any deleterious effects on the soil arising from the mining/ mining operation, be corrected and the area be seeded with a vegetation seed mix to his or her specification.

## 3. 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.
- 

#### **4. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, 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 Integrated Environmental Management stipulated in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-END-

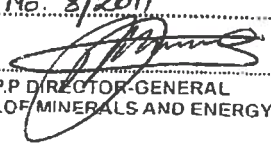


Registered in the MINERAL & PETROLEUM TITLES  
REGISTRATION OFFICE: PRETORIA

In the Register of Deed of Cession

on this 17<sup>th</sup> day of March 2011

Under MPT No. 8/2011

  
P.P. DIRECTOR-GENERAL  
DEPT. OF MINERALS AND ENERGY

Protocol No. 46 /2011

**NOTARIAL CESSION OF MINING RIGHT**

**BE IT HEREBY MADE KNOWN :**

That on this the **15<sup>th</sup>** day of **March** in the year Two Thousand and Eleven (2011) before me, **ELLIOTT LLOYD WOOD**, Notary Public, duly admitted and sworn, residing and practising at Johannesburg in the Province of Gauteng, Republic of South Africa, and in the presence of the undersigned witnesses personally came and appeared **SHIRLEY FODOR** a senior associate of Werksmans Attorneys, of Johannesburg and as such in her capacity as the duly authorised Attorney and Agent of :



exhibited to me the Notary, and reside in my Protocol with the minute hereof.

**AND THE APPEARER DECLARED THAT :**

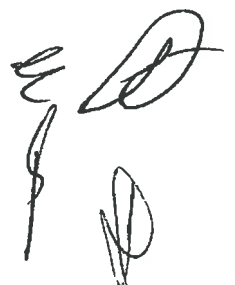
**WHEREAS :**

- A. The Cedent is the holder of the undermentioned mining right, converted in terms of Item 7(3) of Schedule II of the Mineral and Petroleum Resources Development Act 28 of 2002, namely:

to mine for manganese ore on portion of portion 1 and portion of portion 2 of the Farm Mamatwan 331 in the Magisterial District of Kuruman measuring 767.3155 hectares in extent as will more fully appear from the Mining Right

(hereinafter referred to as "*the Mining Right*").

- B. The Cedent has, in terms of a joint venture agreement dated 2 June 2009, as amended, disposed of the Mining Right to the Cessionary.
- C. In terms of the said joint venture agreement the Cedent wishes to cede and assign its rights and obligations under the Mining Right to the Cessionary for a consideration of R102 637 190.08.



D. The Minister of Minerals and Energy has consented in terms of section 11 of the Mineral and Petroleum Resources Development Act 28 of 2002 to the cession herein contained.

**NOW THEREFORE THESE PRESENTS WITNESS :**

1. The Cedent hereby, with effect from 26 July 2010, cedes and assigns all of its rights and obligations under the Mining Right to the Cessionary.
2. The Cessionary hereby accepts the cession and assignment referred to in clause 1 above.
3. It is recorded that the causa for this cession is the joint venture agreement referred to above.
4. The costs of and incidental to this cession shall be borne and paid by the Cessionary.

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**NTSIMBINTLE MINING (PROPRIETARY) LIMITED**  
(No. 2004/003269/07)

(hereinafter together with its successors in title and assigns referred to as "*the Cedent*")

she, the said Appearer, being duly authorised hereto under and by virtue of a Special Power of Attorney signed at Johannesburg on the 6<sup>th</sup> day of **December 2010**, and granted to her by **Justin Pitt** in his capacity as Director of the Cedent, he being duly authorised thereto under and by virtue of a Resolution of Directors of the Cedent passed at Johannesburg on the **30** day of **September 2010**;

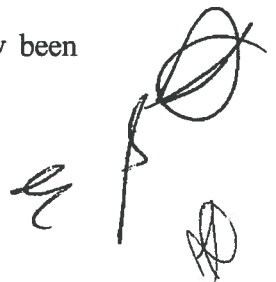
AND

**TSHIPI ENTLE MANGANESE (PROPRIETARY) LIMITED**  
(No. 2008/003117/07)

(hereinafter together with its successors in title and assigns referred to as "*the Cessionary*")

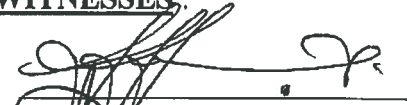
she, the said Appearer, being duly authorised hereto under and by virtue of a Special Power of Attorney signed at Johannesburg on the 6<sup>th</sup> day of **December 2010**, granted to her by **Finn Behnken** in his capacity as Director of the Cessionary, he being duly authorised thereto under and by virtue of a Resolution of Directors of the Cessionary passed at Johannesburg on the **30** day of **September 2010**;


which Powers of Attorney and certified copies of which Resolutions have today been


Handwritten signatures and initials at the bottom right of the page. There are three distinct marks: a large, stylized signature, a smaller signature, and a set of initials.


THUS DONE AND EXECUTED at JOHANNESBURG on the day and in the month and year hereinbefore written in the presence of the undersigned witnesses.

AS WITNESSES:

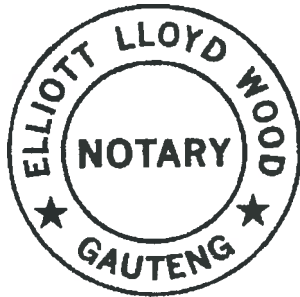
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\_\_\_\_\_

2.   
\_\_\_\_\_

(1)  \_\_\_\_\_ q.q.

(2)  \_\_\_\_\_ q.q.

QUOD ATTESTOR



  
\_\_\_\_\_  
NOTARY PUBLIC

*CASUAL*

*CAREFUL*

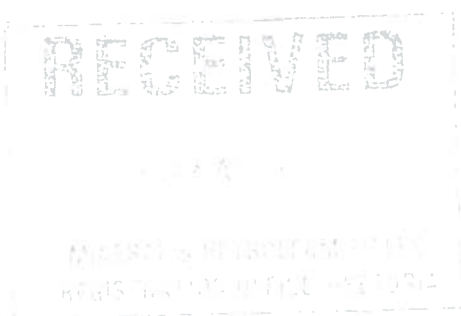
DME 386



**DEPARTMENT: MINERALS AND ENERGY  
REPUBLIC OF SOUTH AFRICA**

**MINING RIGHT**

Granted in terms of section 23(1) of the Mineral and Petroleum Resources Development Act, 2002  
(Act No. 28 of 2002)



Minerals and Energy for Development and Prosperity

*[Handwritten signatures and initials]*

**TABLE OF CONTENTS**

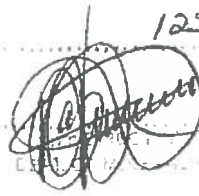
<b>Heading</b>	<b>Clause</b>
<b>Preamble</b>	
<b>Definitions</b>	
<b>Description of the Mining Area</b>	<b>1</b>
<b>Granting of Mining Right</b>	<b>2</b>
<b>Commencement, Duration and Renewal</b>	<b>3</b>
<b>Amendment, Variation and Abandonment</b>	<b>4</b>
<b>Payment of Royalties</b>	<b>5</b>
<b>Payment of Interest</b>	<b>6</b>
<b>Restrictions and Obligations Imposed on the Holder</b>	<b>7</b>
<b>Conditions on disposal of minerals and or products derived from mining</b>	<b>8</b>
<b>Mortgage, Cession, Transfer, and Alienation</b>	<b>9</b>
<b>Protection of Boreholes, Shafts, Adits, Openings and Excavations</b>	<b>10</b>
<b>Holder's liability for Compensation for Loss or Damage</b>	<b>11</b>
<b>Inspection of Mining Area</b>	<b>12</b>
<b>Cancellation or Suspension of Mining Right</b>	<b>13</b>
<b>Records and Returns</b>	<b>14</b>
<b>Minister's liability for payment of Compensation</b>	<b>15</b>
<b>Compliance with the Laws of the Republic</b>	<b>16</b>
<b>Provisions relating to Section 2(d) and (f) of the Act</b>	<b>17</b>
<b>Social and Labour Plan</b>	<b>18</b>
<b>Severability</b>	<b>19</b>
<b>Domicilia citandi et executandi</b>	<b>20</b>
<b>Costs</b>	<b>21</b>



Registered in the REPUBLIC OF SOUTH AFRICA  
In the Register of Mining Right

On this 11<sup>th</sup> November 2010

Under 122/2010



Under MPI No. 8/2011  
On 08/11/2010 NTSIMBINILE MINTING  
(PROPRIETARY) LIMITED  
in favour of  
TSHIPHE NILE MANGANESE  
(PROPRIETARY) LIMITED  
registered on the 17<sup>th</sup> day of March 2011.  
DEPARTMENT OF MINERALS AND ENERGY

Protocol No. 1265/2010  
File Ref No (NC) 206 MR  
Application No

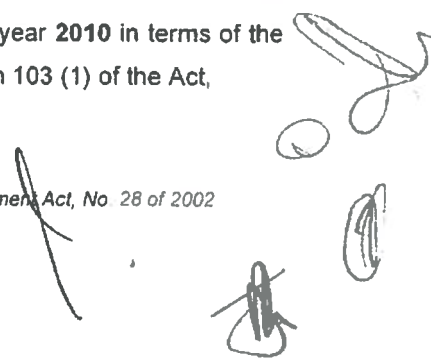
**LET IT HEREBY BE MADE KNOWN:**

THAT on this 07<sup>th</sup> day of April in the year 2010, before me, Izak Cornelius Potgieter a Notary Public, duly sworn and admitted, residing and practising at Kimberley, in the Northern Cape Province of South Africa, and in the presence of the subscribing competent witnesses, personally came and appeared:

Pieter Frederik Swart, Regional Manager, Northern Cape Region of the Department of Minerals and Energy, and as such in his / her capacity as the duly authorised representative of:

**THE MINISTER OF MINERALS AND ENERGY**

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the DIRECTOR-GENERAL OR DEPUTY DIRECTOR-GENERAL: MINERAL REGULATION of the Department of Minerals and Energy on the 15<sup>th</sup> day of February in the year 2010 in terms of the powers delegated by the Minister on the 12<sup>th</sup> day of May 2004 in terms of section 103 (1) of the Act,



**AND**

Mokgosi Jacob Nkoana in his capacity as the duly authorised representative of Ntsimbintle Mining Proprietary Limited, Registration number:

2	0	0	4	/	0	0	3	2	6	9	/	0	7	
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(Hereinafter together with his/her/its successors in title and assigns referred to as "the Holder", he/she, the said representative, being duly authorised thereto under and by virtue of a power of attorney/round robin resolution of directors/members of the Holder, signed or passed at various places on various days during March in the year 2010 which power of attorney or a certified copy of a resolution has this day been exhibited to me, the notary, and remain filed of record in my protocol with the minutes hereof.)

**AND THE MINISTER AND HOLDER DECLARED THAT:**

**WHEREAS** The State is the custodian of the Nation's mineral and petroleum resources in terms of section 3 of the Act.

**AND WHEREAS** The Holder has applied for a mining right in terms of section 22 of the Act,

**AND WHEREAS** The **DIRECTOR-GENERAL OR DEPUTY DIRECTOR-GENERAL: MINERAL REGULATION** of the Department of Minerals and Energy has by virtue of powers delegated to him, granted to the Holder, a mining right in terms of section 23(1) of the Act.

**NOW THEREFORE THE MINISTER GRANTS A MINING RIGHT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

## Definitions

In this mining right, the following words and expressions shall have the meanings assigned to them:

'**Act**' means the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes the Regulations, guidelines, circulars, directives and orders made in terms of that Act;

'**Effective date**' means 07th day of April in the year 2010 (being the date on which the environmental management programme is approved in terms of section 39(4) of the Act);

'**Environmental Management Programme**' is as defined in the Act and includes any other Environmental Management Programme approved in terms of the previous mining legislation;

'**Financial year**' means a complete financial year of the Holder which, at the time of the granting of this mining right, commences on 01st day of March in the year 2010; and ends on 28th day of February in the year 2011;

'**Holder**' is as defined in the Act, and specifically in relation to this right, it means **Ntsimbintle Mining Proprietary Limited**, Registration No/Identification No 200400326907;

'**Mineral**' is as defined in the Act, and specifically in relation to this right means **manganese ore**;

'**Mining Area**' is as defined in the Act and includes any additional area of environmental liability as may be reflected on the Environmental Management Programme relating to this right;

'**Mining right**' is as defined in the Act and includes all the Annexures to it, agreements and inclusions by reference;

'**Mining Work Programme**' is as defined in the Act and as reflected in the attached **Annexure A** to this mining right;

'**Minister**' means the Minister of Minerals and Energy and includes the successors in title, the assignee or any person duly authorised to act in the Minister's place and stead;

'**Regional Manager**' is as defined in the Act and specifically in relation to this right means the Regional Manager for the **Northern Cape** Region of the Department of Minerals and Energy; and

'**Social and Labour Plan**', is as contemplated in regulation 46 of the Regulations to the Act and is as reflected in the attached **Annexure B** to this mining right.

Handwritten signature and initials, possibly 'M. P. P.', written vertically on the right side of the page.

## 1. Description of the Mining Area

The Mining Area shall comprise the following:

Certain: **Portion of Portion 1 and portion of Portion 2 of the farm Mamatwan no 331**

Situated: **in Magisterial/Administrative District of Kuruman**

Measuring: **767.3155 hectares in extent.**

(In the case of various farms being involved, a list can be attached and referred to as **Annexure N/A**);

Which Mining Area is described in detail on the attached Diagram/plan marked **Annexure C**.

## 2. Granting of Mining Right

Without detracting from the provisions of sections 5 and 25 of the Act, the Minister grants to the Holder the sole and exclusive right to mine, and recover the mineral/s in, on and under the mining area for the Holder's own benefit and account, and to deal with, remove and sell or otherwise dispose of the mineral/s, subject to the terms and conditions of this mining right, the provisions of the Act and any other relevant law in force for the duration of this right.

## 3. Commencement, Duration and Renewal

- 3.1. This mining right shall commence on **07 April 2010** and, unless cancelled or suspended in terms of this clause 13 of this right and or section 47 of the Act, will continue to be in force for a period of **30 years ending on 06 April 2040**.
- 3.2. The Holder must commence with the mining operations within a year from the date on which the mining right becomes effective in terms of section 23 (5) of the Act, or any later date as may, upon a written request by the Holder, be authorised in writing by the Minister in terms of the Act, failing which this right may be cancelled or suspended.
- 3.3. Any application for renewal must be submitted to the Regional Manger not later than 60 working days prior to the date of expiry of this right.

## 4. Amendments, Variation and Abandonment

- 4.1. The terms of this right (including by extension of the area covered by it or by the addition of minerals or a share or shares or seams, mineralized bodies, or strata, which are not at the time the subject thereof) may not be amended or varied without the written consent of the Minister.
- 4.2. The Holder shall be entitled to abandon or relinquish the right or the area covered by the right entirely or in part. Upon abandonment or relinquishment of the mining area or any portion thereof, the Holder must:

- 4.2.1. Furnish the Regional Manager with all prospecting and /or mining results and/or information, as well as the general evaluation of the geological, geophysical and borehole data in respect of such abandoned area in so far as it applies to the mineral or any other mineral/s obtained in respect of this right and,
- 4.2.2. Apply for a closure certificate in terms of section 43 (3) of the Act.
- 4.3 With effect from the date the Holder has abandoned or relinquished a portion or portions of the mining area, and subject to section 43 of the Act, the Minister is entitled to grant any right, permit, or permission referred to in the Act in, on, or under the portion/s, so abandoned or relinquished, to any person/s.

## 5. Payment of Royalties

- 5.1. The Holder shall as contemplated in section 25 (2) (g) pay to the State throughout the duration of this mining right, royalties payable in terms of any Act or Amendment to an Act of Parliament implemented.

## 6. Payment of Interest

If mining fees, any fees, any levy, royalties or consideration referred to in clause 5 are not paid punctually, the Holder shall be in mora and shall pay interest thereon at the rate prescribed in terms of section 80 of the Public Finance Management Act, 1999(Act 1 of 1999) reckoned from the date on which payment is due and payable, to the date of actual payment.

## 7. Restrictions and Obligations Imposed on the Holder

- 7.1 The Holder is entitled to the rights referred to in section 5(2), (3) and section 25 of the Act, and such other rights as may be contained in this mining right or such other right as may be granted to, acquired by or conferred upon the Holder by any other applicable law.
- 7.2 Mining operations in the mining area must be conducted in accordance with the Mining Work Programme and any amendment to such Mining Work Programme and an approved Environmental Management Plan.
- 7.3 The Holder shall not trespass or enter into any homestead, house or its curtilage nor interfere with or prejudice the interests of the occupiers and/or owners of the surface of the Mining Area except to the extent to which such interference or prejudice is necessary for the purposes of enabling the Holder to properly exercise the Holder's rights under this mining right.

**8. Conditions on disposal of Minerals and/ or Products Derived from Mining**

It is a condition of the granting of this mining right that the Holder shall dispose of all minerals and/ or products derived from the exploitation of the mineral at competitive market prices which shall mean in all cases, non-discriminatory prices or non-export parity prices. If the minerals are sold to any entity, which is an affiliate or non-affiliated agent or subsidiary of the Holder, or is directly or indirectly controlled by the Holder, such purchaser must unconditionally undertake in writing to dispose of the minerals and any products produced from the minerals, at competitive market prices.

**9. Mortgage, Cession, Transfer, Alienation**

9.1 This mining right, a shareholding, an equity, an interest or participation in the right or joint venture, or a controlling interest in a company, close corporation or joint venture, may not be encumbered, ceded, transferred, mortgaged, let, sublet, assigned, alienated or otherwise disposed of without the written consent of the Minister, except in the case of a change of controlling interest in listed companies.

9.2 Any transfer, encumbrance, cession, letting, sub-letting, assignment, alienation or disposal of this right or any interest therein or any share or any interest in the Holder, without the consent of the Minister referred to in section 11(1) is of no force, no effect and is invalid.

**10. Protection of Boreholes, Shafts, Edits and Openings.**

All boreholes, shafts, edits, excavations, and openings sunk or made, by the Holder during the currency of this mining right shall be sealed, closed, fenced, made safe by the Holder in accordance with the approved Environmental Management Programme, the Mine Health and Safety Act, 1996 or any other applicable laws and Regulations.

**11. Holder's liability for payment of Compensation for Loss or Damage**

11.1. Subject to section 43 of the Act, the Holder shall, during the tenure of this right while carrying out the mining operations under this right, take all such necessary and reasonable steps to adequately safeguard and protect the environment, the mining area and any person/s using or entitled to use the surface of the mining area from any possible damage or injury associated with any activities on the mining area.

- 11.2. Should the holder fail to take reasonable steps referred to above, and to the extent that there is legal liability, the holder shall compensate such person or persons for any damage or losses, including but not limited to damage to the surface, to any crops or improvements, which such person or persons may suffer as a result of, arising from or in connection with the exercise of his/her rights under this mining right or of any act or omission in connection therewith.

**12. Inspection of Mining Area**

The Minister and/or any person duly authorised thereto in writing by the Minister shall be entitled to inspect the mining area, the Holder's mining operations and the execution of the approved Environmental Management Programme on the Mining Area as provided for in the Act, and any instruction conveyed in writing by the Minister to the Holder requiring the proper performance by the Holder of the Holder's obligations under this mining right shall be put into effect by the Holder in terms of the Act.

**13. Cancellation or Suspension**

13.1 Subject to section 47 of the Act, this mining right may be cancelled or suspended if the Holder:

- 13.1.1 Submits inaccurate, incorrect and or misleading information in connection with any matter required to be submitted under the Act;
- 13.1.2 Fails to honour or carry out any agreement, arrangement, or undertaking, including the undertaking made by the Holder in terms of the Broad Based Socio Economic Empowerment Charter and Social and Labour plan, on which the Minister relied for the granting of this right;
- 13.1.3 Breaches any material term and condition of this mining right;
- 13.1.4 Conducts mining operations in contravention of the provisions of the Act;
- 13.1.5 Contravenes the requirement of the approved Environmental Management Programme; or
- 13.1.6 Contravenes any provisions of this Act in any other manner.

13.2 Before the Minister cancels or suspends this right, the Minister shall:

- 13.2.1 Give written notice to the Holder indicating the intention to suspend or cancel this right;
- 13.2.2 Give reason/s why the Minister is considering the suspension or cancellation of this right;
- 13.2.3 Give the Holder 30 days to show reasons why the right should not be suspended or cancelled;
- 13.2.4 Notify, the mortgagee [if any], of the intention to suspend or cancel this right; and
- 13.2.5 Direct the Holder, where it is possible to remedy any contravention, breach or failure, to comply or to take such specified measures to remedy any contravention, breach or failure to comply.
- 13.3 If the Holder does not take the measures as specified by the Minister to remedy a contravention, breach or failure, the Minister may cancel or suspend this right after considering representations made by the Holder in terms of clause 13.2.3.

**14. Records and Returns**

- 14.1. The Holder shall maintain all such books, plans and records in regard to mining on the Mining Area as may be required by the Act and shall furnish to the office of the Regional Manager such reports and documents as may be relevant under this right.
- 14.2. The Holder shall furnish to the Regional Manager all such monthly returns contemplated in section 28 (2) A of the Act not later than the 15<sup>th</sup> day of the month following the month in respect of which it was reported.
- 14.3. The Holder shall furthermore at the end of each year following commencement of this mining right, inform the Regional Manager in writing of any new developments and of the future mining activities planned in connection with the exploitation/mining of the minerals on the Mining Area.

**15. Minister's liability for Compensation**

The Minister shall not at any time be liable or responsible for the payment of compensation of whatever nature to the Holder, the Holder's successors-in-title or assignee, or any person whomsoever as a result of the granting of this right.

**16. Compliance with the Laws of the Republic**

The granting of this Right, does not exempt the Holder and its successors in title and/or assigns from complying with the relevant provisions of the Mine Health and Safety Act, (Act No.29 of 1996) and any other law in force in the Republic of South Africa.

**17. Provisions relating to section 2(d) and (f) of the Act**

In the furthering of the objects of this Act, the Holder is bound by the provisions of an agreement or arrangement dated 26 & 27 September 2006 also 02, 03 & 04 October 2006 entered into between the Holder/ empowering partner and **Safika Resources Pty Ltd, Women Investments Portfolio Holdings Ltd, Sunshine Street Investments 131 Pty Ltd, Bo-Mme Ba Meepo Investments Pty Ltd, The Trustees of the Kgalagadi Rural Poverty Node Charitable Trust, Natural Resources Empowerment Fund, NC Women in Mining Pty Ltd, Future Indefinite Investments 225 Pty Ltd and Nkojane Economic Prospecting and Investment Pty Ltd** (the empowerment partner) which agreement or arrangement was taken into consideration for purposes of compliance with the requirements of the Act and or Broad Based Economic Empowerment Charter developed in terms of the Act and such agreement shall form part of this right.

**18. Social and Labour Plan**



- 18.1 The holder must annually, not later than three months before the end of its financial year, submit detailed implementation plan to give effect to Regulation 46(e)(i),(ii)and (iii) in line with the Social and Labour Plan.
- 18.2 The holder must annually, not later than three months after finalisation of its audited annual report, submit a detailed report on the implementation of the previous year's social and labour plan.

**19. Severability**

Notwithstanding anything to the contrary, any provision of this mining right which is contrary to any provision of the Act or which is otherwise ultra vires, null and void, voidable, or unenforceable, shall be severable from the rest of this right, such rest thus being and remaining of full force, effect and enforceable.

**20. Domicilia citandi et executandi**

20.1. The parties hereto choose the following addresses as their *domicilia citandi et executandi* and for all purposes arising from this mining right, in particular for the purposes of serving of any notice in terms of this mining right, and any notice properly addressed to the under mentioned postal addresses of the parties shall be deemed to have been received by the addressee within 14 days if given in writing and posted by prepaid registered post addressed to the addressee at the relevant postal address:

20.1.1. In the case of the Minister:

Physical Address	Postal Address
<b>Liberty Corner Building, 29-31 Currey Street, Kimberley Code 8301 Tel 053 807 1700 Fax 053 832 5631</b>	<b>Private Bag X6093 Kimberley 8300</b>

20.1.2. In the case of the Holder:

Physical Address	Postal Address
<b>89 Central Street Houghton Code 2198</b>	<b>PO Box 652286 Benmore 2010</b>

Tel 011 483 0840	
Fax 011 483 0655	

- 20.2. Notwithstanding anything to the contrary herein contained, a written notice or communication actually received by a party at any place other than the chosen *domicilia citandi et executandi* shall constitute adequate notice or communication to the party notwithstanding that it was not sent to or delivered at such party's chosen *domicilium citandi et executandi*.
- 20.3 Either party shall be entitled from time to time to change the *domicilia citandi et executandi* or postal address furnished above after giving at least 14 days prior written notice of such change to the other party, failing which the above mentioned addresses will remain in force.
- 20.4. Any written notice or communication contemplated in this clause which is forwarded by one party to the other by registered post will be presumed to have been received by the addressee on the fourteenth day following the date of posting from an address within the Republic of South Africa to the addressee at the postal address of the addressee for the time being as determined in accordance with the provisions of this clause.

**21. Costs**

The Holder shall pay all costs and charges incurred in connection with the execution and registration of this prospecting right.

Thus done and signed at Kimberley on the 07th day of April in the year 2010 in the presence of the undersigned witnesses:

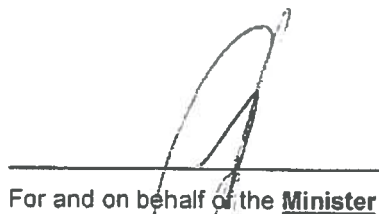
**AS WITNESS:**



**AS WITNESS:**





  
 For and on behalf of the **Minister**

**IZAK CORNELIUS POTGIETER** and on behalf of the **Holder**  
 NOTARY PUBLIC / NOTARIS PUBLIEK  
 NORTHERN CAPE PROVINCE / NOORD-KAAP PROVINSIE  
 R.S.A.



**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, Sedibeng Building, 185 Francis Beard Street, Pretoria,  
Tel: (012) 336-7500 Fax: (012) 323-4472 / (012) 326-2715

**LICENCE IN TERMS OF CHAPTER 4 OF THE  
NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)**

I, **Margaret-Ann Diedricks**, in my capacity as Director-General in the Department of Water and Sanitation and acting under authority of the powers delegated to me by the Minister of Water and Sanitation, hereby authorise the following water uses in respect of this licence:

SIGNED: .....

DATE: ..... 19<sup>th</sup> APRIL 2015 .....

**LICENCE NO: 10/D41K/AGJ/1735  
FILE NO: 27/2/2/D1141/C/1**

- 1. **Licensee:** Tshipi e Ntle Manganese Mining (Pty) Ltd
- Postal Address:** P.O Box 652286  
Johannesburg  
2010
- 2. **Water Uses**
  - 2.1 Section 21(a) of the Act: Taking of water from a water resource, subject to the conditions set out in Appendices I and II.
  - 2.2 Section 21(b) of the Act: Storage of water, subject to the conditions set out in Appendices I and III.
  - 2.4 Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource, subject to the conditions as set out in Appendices I and IV.
  - 2.6 Section 21(j) of the Act: Removing, discharging or disposing of water found underground, subject to the conditions set out in Appendices I and V.

**B 04959**



### 3. Properties on which water uses will be exercised

**Table 1: Water uses and properties**

Water Uses	Properties	Registered Owner
Section 21 (a)	Mamathwan 331 RD Portion 16 and 17	Tshipi e Ntle Manganese Mining (Pty) Ltd
Section 21 (b)	Mamathwan 331 RD Portion 17	Tshipi e Ntle Manganese Mining (Pty) Ltd
Section 21 (g)	Mamathwan 331 RD Portion 16 and 17	Tshipi e Ntle Manganese Mining (Pty) Ltd
Section 21 (j)	Mamathwan 331 RD Portion 17	Tshipi e Ntle Manganese Mining (Pty) Ltd

### 4. Registered Owner of the Properties

4.1 Tshipi e Ntle Manganese Mining (Pty) Ltd

### 5. Licence and Review Period

5.1 This licence is valid for a period of twenty six (26) years from the date of issuance and may be reviewed every five (5) years.

### 6. Definitions

"Any terms, words and expressions as defined in the National Water Act (Act 36 of 1998) shall bear the same meaning when used in this licence, unless specifically stated otherwise."

"The Provincial Head" means the Provincial Head: Northern Cape, Department of Water and Sanitation, Private Bag X6101, Kimberley, 8300.

"The Act" means the National Water Act, (Act 36 of 1998).

"Report" refers to the reports entitled:

- Geo-hydrological Report prepared by Water Geoscience Consulting, dated 27 February 2009;
- Water Quality Management Report and Waste Management Plan prepared by SLP Global Environmental Solutions, dated 12 June 2013;
- Civil Design for the Storm Water Dam prepared by CICON Consulting Engineering, dated 21 October 2011;
- Environmental Management Plan prepared by Metago Environmental Engineers (Pty) Ltd, dated 20 May 2009;
- Environmental Impact Assessment prepared by Metago Environmental Engineering (Pty) Ltd, dated 23 May 2009;
- Integrated Water and Waste Management Plan (IWWMP) prepared by SLP Global Environmental Solutions, dated 12 June 2013; as well as all other related documentation and communication (e-mails, letters, verbal, etc) related thereto.



## 7. Description of the Project

Tshipi e Ntle Manganese Mining (Pty) Ltd is authorised to undertake Section 21(a), (b), (g) and (j) water uses in terms of Section 40 of the National Water Act, 1998 (Act 36 of 1998) associated with the mining of manganese ore on Portion 2 of the Farm Mamatwan 331 and Portion 3 (a Portion of Portion 1) of the Farm Diabiaghomo 226). The mine and associated activities are located in the Lower Vaal Water Management Area within Quaternary Catchment D41K.



## APPENDIX I

### General conditions of the licence

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Provincial Head of any change of name, address, premises and/or legal status.
4. If the property(ies) in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Provincial Head of the Department within sixty (60) days of the said change taking place.
5. If a water user association is established in the area to manage the resource, membership of the Licensee to this association is compulsory.
6. The Licensee shall be responsible for any water use charges or levies imposed by a Responsible Authority.
7. While effect must be given to the Reserve as determined in terms of the Act, where a desktop determination of the Reserve has been used in issuance of a licence, when a comprehensive determination of the Reserve has finally been made; it shall be given effect to.
8. The licence shall not be construed as exempting the Licensee from compliance with the provisions any other applicable Act, Ordinance, Regulation or By-law.
9. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
10. The Licensee shall conduct an annual internal audit on compliance with the conditions of licence. A report on the audit shall be submitted to the Provincial Head within one (1) month of finalisation of the audit
11. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within three (3) months after the date this licence is issued and a report on the audit shall be submitted to the Provincial Head within one (1) month of finalization of the report.
12. Flow metering, recording and integrating devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than two (2) years. Calibration certificates shall be available for inspection by the Provincial Head or his/her representative upon request.

13. Any incident that causes or may cause water pollution must be reported to the Provincial Head or his/her designated representative within twenty four (24) hours.
14. The Licensee must provide written proof from an independent laboratory that the stockpile material and waste rock dump material emanating from this project are Type 4 waste according to Regulation 36784 Articles 634 & 635.



## APPENDIX II

### Section 21 (a) of the Act: Taking water from a water resource

1. The Licensee is authorised to take a maximum quantity of water in cubic metres per annum ( $m^3/a$ ) from two (2) boreholes and a mining pit as indicated in Table 2.

**Table 2: Section 21 (a) water use activity**

Purpose	Volume ( $m^3/a$ )	Property Description	Co-ordinates
Taking water from an open (dewatering) pit for mining purposes	57 720 $m^3/a$	Mamathwan 331 RD Portion 17	27°22'47.4"S 22°57'55.0"E
Taking water from the borehole (TSH01) for mine processing	12 612 $m^3/a$	Mamathwan 331 RD Portion 16	27°22'52.2"S 22°56'58.8"E
Taking water from the borehole (TSHI02) for potable and emergency water use	12 612 $m^3/a$	Mamathwan 331 RD Portion 16	27°22'36.7"S 22°57'20.3"E

2. The quantity of water authorised to be taken in terms of this licence may not be exceeded without prior authorisation by the Department.
3. This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
4. The above mentioned volume may be reduced when the licence is reviewed.
5. The Licensee shall continually investigate new and emerging technologies and put into practice water efficient devices or apply technique for the efficient use of water containing waste, in an endeavour to conserve water at all times.
6. The Licensee shall be responsible for any water use charges or levies, which may be imposed from time to time by the Department or responsible authority in terms of Department's Raw Water Pricing Strategy.
7. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of:
  - 7.1 shortage of water
  - 7.2 inundations or flood
  - 7.3 siltation of the resource; and
  - 7.4 required reserve releases.
8. The Licensee shall establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders with respect to Water Conservation and Water Demand Management initiatives.





## APPENDIX III

### Section 21 (b) of the Act: Storing of water

#### 1. Storing of Water

- 1.1 The Licensee is authorised to store a maximum quantity of treated water in cubic metres per annum ( $m^3/a$ ) in a reservoir as indicated in Table 3.

**Table 3: Section 21 (b) water use activity**

Purpose	Capacity/ Volume ( $m^3$ , tonnes and/or $m^3/annum$ )	Property Description	Co-ordinates
Storing potable water from Sedibeng Water Board in a water tank for domestic use	2000 $m^3$	Mamathwan 331 RD Portion 17	27°23'37.0"S 22°58'01.3"E
Storing water in a temporary dam for construction activities	9000 $m^3$	Mamathwan 331 RD Portion 17	27°23'31.6"S 22°58'03.1"E

- 1.2 The Licensee must obtain any proprietary rights or servitudes at their own cost.
- 1.3 The Licensee is not exempted from compliance with any applicable Dam Safety Regulations.

#### 2. Monitoring Requirements

- 2.1 The Licensee is not indemnified from any detrimental effect that the dam(s) may have on other properties. The Department does not accept any responsibility or liability for any damages or losses that may be suffered by any other party as a result of the construction and utilisation of the dams.
- 2.2. Suitable measuring structures must be constructed up-stream and down-stream of the dam to measure the flow entering and leaving the dam and this information must be available on request.
- 2.3 The Licensee shall establish a monitoring programme and the date and time of monitoring in respect of each sample taken. Sample shall be recorded together with the results of the analysis as well as other significant information (low flow, flooding, pollution incident, etc.).
- 2.4 The quantity of water stored shall be recorded as at the last day of each month.

#### 3. Dam Safety Requirements

- 3.1 The construction, operation, and maintenance of all dam facilities classified as a dam with a safety risk, must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990).

3.2 The Licensee shall supply any information, drawings, specifications, design assumptions, calculations, documents and test results when requested by the Provincial Head.

3.3 The Licensee is not exempted from compliance with any applicable Dam Safety Regulations published under Government notice R.139 of July 2012, read with Chapter 12 of the Act.

**4. Construction of Dam(s)**

4.1 The as-built plans and specifications of the dam(s) must be submitted to the Provincial Head for his/her records.

4.2 The Government reserves the right to construct storage works at any time in any stream and to store all surplus water reaching the dam(s) and to control the allocation of such water.

4.3 Construction of the dam(s) may not commence unless the required authorisation to build has been issued by the Dam Safety Office of the Department.



**APPENDIX IV**

**Section 21 (g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource**

**1. CONSTRUCTION, OPERATION AND MAINTENANCE**

1.1 The Licensee shall carry out and complete all the activities, including the construction and operation of the facilities indicated in Table 4, according to the Report and according to the final plans submitted with the integrated water use licence application.

**Table 4: Details of waste water management facilities**

Purpose	Capacity/ Volume (m <sup>3</sup> , tonnes and/or m <sup>3</sup> /annum)	Property Description	Co-ordinates
Storing water from the tailings facility in a return water dam	15 768m <sup>3</sup>	Mamathwan 331 RD Portion 16	27°22'25.1"S 22°56'35.7"E
Storing water into Dirty water dam	613 200 m <sup>3</sup> /a /10 678.4m <sup>3</sup>	Mamathwan 331 RD Portion 16	27°23'30.9"S 22°57'48.1"E
Workshop collection dam	1446 m <sup>3</sup> /a	Mamathwan 331 RD Portion 16	27°23'20.1"S 22°57'38.2"E
Tailling/Slimes dam	85 838 m <sup>3</sup> /a/227 760 tons	Mamathwan 331 RD Portion 16	27°22'28.7"S 22°56'42.7"E

- 1.2 The construction of the dams listed in Table 4 must be carried out under the supervision of a professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990).
- 1.3 Within 30 days after the completion of the water use activities listed in Table 4 in accordance with the relevant provisions of this licence, the Licensee shall in writing; under reference 27/2/2/D1041/7/9, inform the Provincial Head thereof. This shall be accompanied by a signature of approval from the registered civil design professional confirming that the construction was done according to the design plans referred to in the Report.
- 1.4 The Licensee must ensure that the disposal of the waste water and the operation and maintenance of the system are done according to the provisions in the Report.
- 1.5 The Licensee shall as well submit a set of as-built drawings to the Provincial Head after the completion of the waste facilities listed in Table 4.
- 1.6 The waste facilities listed in Table 4 shall be operated and maintained to have a minimum freeboard of 0.8 metres above full supply level and all other water systems related thereto shall be operated in such a manner that it is at all times capable of handling the 1:50 year flood-event on top of its mean operating level.



1.7 The Licensee shall use acknowledged methods for sampling and the date, time and sampler must be indicated for each sample.

## 2. STORAGE OF WASTE OR WATER CONTAINING WASTE

2.1 The Licensee is authorised to dispose of a maximum quantity in cubic metres (m<sup>3</sup>) of waste or water containing waste per annum into the waste management facilities on the property described in Table 5:

**Table 5: Disposal of Waste/Water containing Waste**

Purpose	Capacity/ Volume (m <sup>3</sup> , tonnes and/or m <sup>3</sup> /annum)	Property Description	Co-ordinates
Storing dirty water from tailings facility in return water dam	15 768m <sup>3</sup>	Mamathwan 331 RD Portion 16	27°22'25.1"S 22°56'35.7"E
Storing dirty water in dirty water dam	613 200 m <sup>3</sup> /a /10 678.4m <sup>3</sup>	Mamathwan 331 RD Portion 16	27°23'30.9"S 22°57'48.1"E
Workshop collection dam	1446 m <sup>3</sup> /a	Mamathwan 331 RD Portion 16	27°23'20.1"S 22°57'38.2"E
ROM primary product stockpile	24 260 tons	Mamathwan 331 RD Portion 17	27°23'07.5"S 22°58'06.8"E
Low grade product stockpile	100 000 tons	Mamathwan 331 RD Portion 16	27°23'14.1"S 22°57'44.9"E
Lumpy product stockpile	2 040 000 tons	Mamathwan 331 RD Portion 16	27°23'32.1"S 22°58'09.1"E
Fines product stockpile	480 000 tons	Mamathwan 331 RD Portion 17	27°23' 31.7"S 22°58' 10.8"E
Eastern waste rock dump	62 160 tons	Mamathwan 331 RD Portion 17	27°23'48.9"S 22°58'24.8"E
Western waste rock dump	34 663 tons	Mamathwan 331 RD Portion 16 and 17	27°22'52.0"S 22°57'16.8"E
Taillings/slimes dam	85 838 m <sup>3</sup> /a/227 760 tons	Mamathwan 331 RD Portion 16	27°22'28.7"S 22°56'42.7"E
Dust suppression	105 996 m <sup>3</sup> /a	Mamathwan 331 RD Portion 16, 17 and 18	Various areas on mining properties

2.2 The quantity of water containing waste authorised to be disposed of in terms of this licence may not be exceeded without authorisation from the Provincial Head.

## 3. MONITORING

3.1 The Licensee shall monitor on monthly basis the water resources at groundwater monitoring points to determine the impact of the facility and other mining activities on the water quality by taking samples at the monitoring points as indicated in Table 6:

**Table 6: Ground water monitoring points**



Borehole ID	Latitude (S)	Longitude (E)	Depth	Purpose
(TSH01)	27°22'47.4"S	22°57'55.0"E	30m	Down gradient, shallow groundwater level/quality
(TSH02)	27°22'36.7"S	22°57'20.3"E	30m	Down gradient, shallow groundwater level/quality

- 3.2 The date, time and monitoring point in respect of each sample taken shall be recorded together with the results of the analysis.
- 3.3 Monitoring points must not be changed prior to notification to and written approval by the Provincial Head.
- 3.4 An Aquatic Scientist approved by the Provincial Head must establish a monitoring programme for the following indices: Invertebrate Habitat Assessment System (IHAS) and the latest SASS (South African Scoring System). Sampling must be done once during the summer season and once during the winter season, annually, to reflect the status of the river upstream and downstream of the wastewater contaminated facilities as indicated in Table 6
- 3.5 Analysis shall be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), in terms of the Standards Act, 1982 (Act 30 of 1982).
- 3.6 The methods of analysis shall not be changed without prior notification to and written approval by the Department.
- 3.7 Proper ground and surface water monitoring network should be established to monitor the quality and quantity of groundwater as per the Report recommendation and ensuring that water used by other water users are safeguarded in accordance to Chapter 14 of the National Water Act, 1998.

#### 4 WATER RESOURCE PROTECTION

- 4.1 The impact of the activities of the wastewater containment facilities on groundwater shall not exceed the interim resource water quality objective (RWQO) for the management unit as detailed in the Water Quality Reserve for the area as set out in Table 7:

**Table 7: Resource quality objectives**

Parameters	Groundwater quality reserve
Sodium (mg/l)	100 – 200
Total Dissolved Solids	450 – 1000
Magnesium (mg/l)	30 -70
Calcium (mg/l)	80 – 150
Chloride (mg/l)	100 – 200
Sulphate (mg/l)	200 – 400
Faecal coliforms	0 – 1
Nitrate (mg/l)	6 – 10
Fluoride (mg/l)	1 – 1.5
Ph	5 – 6& 9 – 9.5
Electrical Conductivity	70 – 150

## 5 REPORTING

- 5.1 The Licensee shall update the water balance annually and calculate the loads of waste emanating from the activities. The Licensee shall determine the contribution of their activities to the mass balance for the water resource and must furthermore co-operate with other water users in the catchment to determine the mass balance for the water resource reserve compliance point.
- 5.2 The Licensee shall submit the results of analysis for the monitoring requirements to the Provincial Head on a quarterly basis under the reference number 27/2/2/B312/6/4.
- 5.3 The Licensee shall submit the nature and the quality of waste disposed of into the following wastewater facilities:
- 5.3.1 Pollution control dams
  - 5.3.2 Return water dam
  - 5.3.3 Workshop collection dam
  - 5.3.4 Talling/slimes dam
  - 5.3.5 Office French drains for sewage disposal

## 6. STORMWATER MANAGEMENT

- 6.1 Stormwater leaving the Licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.
- 6.2 Increase runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that stormwater does not lead to bank instability and excessive levels of silt entering the stream.
- 6.3 Stormwater shall be diverted from the mine complex site and roads and shall be managed in such a manner as to disperse runoff and concentrating the stormwater flow.
- 6.4 Where necessary works must be constructed to attenuate the velocity of any stormwater discharge and to protect the banks of the affected watercourses.
- 6.5 Stormwater control works must be constructed, operated and maintained in a sustainable manner throughout the impacted area.
- 6.7 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that stormwater does not lead to bank instability and excessive levels of silt entering the streams.
- 6.8 All stormwater that would naturally run across the pollution areas shall be diverted via channels and trapezoidal drains designed to contain the 1:50 year flood.

6.9 Polluted stormwater captured in the stormwater control dams shall be pumped back to the processing plant for reuse and recycling.

## 7. PLANT AREAS AND CONVEYANCES

7.1 Pollution caused by spills from the conveyances must be prevented through proper maintenance and effective protective measures especially near all stream crossings.

7.2 All reagent storage tanks and reaction units must be supplied with a bunded area built to the capacity of the facility and provided with sumps and pumps to return the spilled material back into the system. The system shall be maintained in a state of good repair and standby pumps must be provided.

7.3 Any hazardous substances must be handled according to the relevant legislation relating to the transport, storage and use of the substance.

7.4 Any access roads or temporary crossings must be:

7.4.1 non-erosive, structurally stable and shall not induce any flooding or safety hazard and;

7.4.2 repaired immediately to prevent further damage.

## 8. ACCESS CONTROL

8.1 Strict access procedures must be followed in order to gain access to the property. Access to the waste water containment facilities must be limited to authorised employees of the Licensee and their contractors only.

8.2 Notices prohibiting unauthorised persons from entering the controlled access areas as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.

## 9. CONTINGENCIES

9.1 Accurate and up-to-date records shall be kept of all system malfunctions resulting in non-compliance with the requirements of this licence. The records shall be available for inspection by the Provincial Head upon request. Such malfunctions shall be tabulated under the following headings with a full explanation of all the contributory circumstances:

9.1.1 operating errors;

9.1.2 mechanical failures (including design, installation or maintenance);

9.1.3 environmental factors (e.g. flood);

9.1.4 loss of supply services (e.g. power failure); and

9.1.5 other causes.

9.2 The Licensee must, within 24 hours, notify the Provincial Head of the occurrence or potential occurrence of any incident which has the potential to cause, or has caused water pollution, pollution of the environment, health risks or which is a contravention of the licence conditions.

- 9.3 The Licensee must, within 14 days, or a shorter period of time, as specified by the Provincial Head, from the occurrence or detection of any incident referred above, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Provincial Head of measures taken to:
- 9.3.1 correct the impacts resulting from the incident;
  - 9.3.2 prevent the incident from causing any further impacts; and
  - 9.3.3 prevent a recurrence of a similar incident.

## 10. AUDITING

- 10.1 The Licensee shall conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit shall be submitted to the Provincial Head within one (1) month of finalisation of the report, and shall be made available to an external auditor should the need arise.
- 10.2 The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within six (6) months of the date this licence was issued and a report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report.

## 11. INTEGRATED WATER AND WASTE MANAGEMENT

- 11.1 The Licensee must update an Integrated Water and Waste Management Plan (IWWMP), which must together with the updated Rehabilitation Strategy and Implementation Programme (RSIP), be submitted to the Provincial Head for approval within one (1) year from the date of issuance of this licence.
- 11.2 The IWWMP and RSIP shall thereafter be updated and submitted to the Provincial Head for approval, annually.
- 11.3 The Licensee must, at least one hundred and eighty (180) days prior to the intended closure of any facility, or any portion thereof, notify the Provincial Head of such intention and submit any final amendments to the IWWMP and RSIP as well as a final Closure Plan, for approval.
- 11.4 The Licensee shall make full financial provision for all investigations, designs, construction, operation and maintenance for a water treatment plant should it become a requirement as a long-term water management strategy.

## 12. GENERAL CONDITIONS

- 12.1 Water samples must be taken from all the monitoring boreholes by using approved sampling techniques and adhering to recognized sampling procedures. Samples should be analyzed for both organic as well as inorganic pollutants, as mining activity often lead to hydrocarbon spills in the form of diesel and oil. At least the water quality parameters on Table 7 should be analyzed.



- 12.2 Water samples should be recorded on a data sheet. It is proposed that the data should be entered into an appropriate computer database and reported to the Department.
- 12.3 The final backfilled opencast topography should be engineered such that runoff is directed away from the opencast areas.
- 12.4 The Licensee must ensure in advance that alternative water supply for external water users is provided to these users should groundwater resources be impacted
- 12.5 Pollution control dam must be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. A plan must be in place to stop overflowing in dams during the rainy season.
- 12.6 Geochemical assessments should be done on the discard material during the mining operation.
- 12.7 The Licensee shall at all times together with the conditions of this licence adhere to the Regulations on use of water for mining and related activities aimed at the protection of water resources (Government Notice 704 of 4 June 1999).



## APPENDIX V

### Section 21 (j) of the Act: Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people

1. This licence authorises the removal, discharging or disposing of a maximum volume of water found underground for the efficient continuation of an activity as set out in Table 8:

**Table 8: Section 21 (j) water use activities**

Purpose	Volume (m <sup>3</sup> , m <sup>3</sup> /annum)	Property Description	Co-ordinates
Open pit dewatering	57 720 m <sup>3</sup> /a	Mamathwan 331 RD Portion 17	27°22'47.7"S 22°51'55.0"E

2. The quantity of the water authorised to be removed and disposed of into the pollution control dam in terms of this license may not be exceeded without prior authorisation by the Department.
3. The Licensee shall provide any water user whose water supply is impacted by the water use with potable water.
4. The quantity of water removed from underground must be metered and recorded on a daily basis.
5. Groundwater levels shall be monitored every six (6) months (once in the beginning of the dry season and once in the beginning of the wet season).
6. Self-registering flow meters must be installed in the delivery lines at easily accessible positions near the dewatering points.
7. The flow metering devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than once in two (2) years. Calibration certificates shall be available for inspection by the Provincial Head or his/her representative upon request.
8. Calibration certificates in respect of the pumps must be submitted to the Provincial Head after installation thereof and thereafter at intervals of two years.
9. The date and time of monitoring in respect of each sample taken shall be recorded together with the results of the analysis.
10. Analysis shall be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards, in terms of the Standards Act, 1982 (Act 30 of 1982).
11. The methods of analysis shall not be changed without prior notification to the Licensee and

written approval by the Provincial or his/her delegated nominee.

12. The Provincial Head must be informed of any incident that may lead to groundwater being disposed of contrary to the provisions of this license, by submitting a report containing the following information:
  - 12.1 nature of the incident (e.g. operating malfunctions, mechanical failures, environmental factors, loss of supply services, etc);
  - 12.2 actions taken to rectify the situation and to prevent pollution or any other damage to the environment; and
  - 12.3 measures must be taken to prevent re-occurrence of any similar incident.
13. The Licensee shall follow acceptable construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the groundwater removal system.
14. Reasonable measures must be taken to provide for mechanical, electrical or operational failures and malfunctions of the underground water removal system.

**[END OF LICENCE]**





# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift Building, Telkom Building, Kimberley 8300, E-mail: [Patricia.Makhuvele@dmr.gov.za](mailto:Patricia.Makhuvele@dmr.gov.za) Ref No: NC 30/5/1/2/2/206/00130 MR

Enquiries: Patricia Makhuvele

## The Directors

### Tshipi e Ntle Manganese Mining (Pty) Ltd

P.O. Box 2098

Kathu

8446

For attention: N. Paneng

E-mail: [nthabeleng@tshipi.co.za](mailto:nthabeleng@tshipi.co.za)

[mmedallie@slrconsulting.com](mailto:mmedallie@slrconsulting.com)

Tell: 018 011 1925

Dear Sir/ Madam

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMMENDED (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2017 FOR ACTIVITIES RELATED TO MINING AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF MANGANESE ORE FOR THE EXTENTION OF THE EAST WASTE ROCK DUMP AND WEST WASTE ROCK DUMP ON PORTION 8 OF THE FARM MAMATWAN 331, PORTION 16 (PORTION OF PORTION 1) PORTION 17 (PORTION OF PORTION 2, PORTION 18 (PORTION OF PORTION 3) OF THE FARM MAMATWAN 331 AND THE REMAINDER OF THE FARM MOAB 700, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN 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 regulation 20(1) (a)/24(1) (b) of the Environmental Impact Assessment Regulations, 2014 as amended (“EIA Regulations”). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the EIA Regulations, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, of the date of the Department's decision in respect of your application and the provisions regarding the making of appeals must be provided for in terms of the National Appeal Regulations, 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs, within 20 days from the date of notification, and such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulation, 2014 by means of one of the following methods:

By post: Attention: Appeals Directorate and Legal review  
The Minister of Department of Environmental Affairs  
Private Bag X 447  
PRETORIA  
0001

By facsimile: (012) 359 3609; or

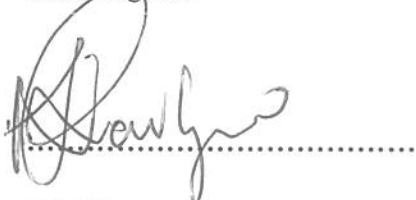
By hand: Environmental House, Corner Steve Biko and Soutspanberg, Arcadia,  
Pretoria, 0083

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted to Mr Ziyaad Hassam.

A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 399 9000, E-mail: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

Should you decide to appeal, you must comply with the National Appeal Regulations, 2014 in relation to notification of all registered interested and affected.

Kind Regards



Acting REGIONAL MANAGER: MINERAL REGULATION  
NORTHERN CAPE REGION

DATE 03/07/2019



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift Road, Telkom Building, Kimberley 8300

## ENVIRONMENTAL AUTHORISATION

<b>Reference number:</b>	NC 30/5/1/2/2/206/00130 MR
<b>Holder of authorisation:</b>	Tshipi e Ntle Manganese Mining (Pty) Ltd
<b>Last amended:</b>	2017
<b>Commodity:</b>	Manganese ore
<b>Location of activity:</b>	On portion 8 of the farm Mamatwan 331, portion 16 (portion of portion 1) portion 17 (portion of portion 2, portion 18 (portion of portion 3) of the farm Mamatwan 331 and the remainder of the farm Moab 700, situated in the Magisterial District of Hopetown, Northern Cape Region.

### ACRONYMS

<b>NEMA:</b>	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
<b>DEPARTMENT:</b>	Department of Mineral Resources.
<b>EA:</b>	Environmental Authorisation.
<b>EMPr:</b>	Environmental Management Programme.
<b>BAR:</b>	Basic Assessment Report.
<b>I&amp;AP:</b>	Interested and Affected Parties.
<b>ECO:</b>	Environmental Control Officer.
<b>SAHRA:</b>	South African Heritage Resources Agency.
<b>EIA REGULATIONS:</b>	Environmental Impact Assessment Regulations, 2017.
<b>MPRDA:</b>	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
<b>NEM:WA:</b>	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended.
<b>EIA:</b>	Environmental Impact Assessment.

The Department is satisfied, on the basis of information available 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 “1”** of this Environmental Authorisation.

### ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by **Tshipi e Ntle Manganese Mining (Pty) Ltd** with the following contact details –

### A.DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

**Tshipi e Ntle Manganese Mining (Pty) Ltd**

P.O. Box 2098

Kathu

8446

E-mail:nthabeleng@tshipi.co.za/mmedallie@slrconsulting.com

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

### B. LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA;

**1. Listing Notice 1: GNR 327 Activity 24-** *“The development of a road-*

*(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010;or*

*(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres.*

**2. Listing Notice 1: GNR 327 Activity 24 –** *“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 a linear activity; or*

*(ii) maintenance purposes undertaken in accordance with maintenance management plan*

**3. Listing Notice 1: GNR 327 Activity 28** – *“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game 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 hectares.*

**4. Listing Notice 1: GNR 327 Activity 30** - *“Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).*

**5. Listing Notice 1: GNR 327 Activity 34** - *“The expansion of existing facilities or infrastructure for any purpose or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of the National or Provisional legislation governing the release of emissions, effluent or pollution.*

**6. Listing Notice 1 GNR 327 Activity 56-** *“The widening of a road by more than 6 meters, or the lengthening of a road by more than 1kilometre;*

*(i) where the existing reserve is wider than 13.5 metres; or*

*(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where the widening or lengthening occur inside urban areas.*

**7. Listing Notice 2 GNR 325 Activity 6-** *“The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provisional governing the generation or release of emissions, pollution or effluent.*

**8. Listing Notice 2 GNR Activity-** *“The clearance of an area of 20 hectares or more of indigenous vegetation excluding where such clearance of indigenous vegetation is required for-*

*(i) the undertaking of a linear activity*

*(ii) maintenance purpose undertaken in accordance with a maintenance management plan.*



## 9. Listed Activities GNR 921 OF NEM: WA

- a) **Category B Activity 7** –“The disposal of any quantity of hazardous waste to land
- b) **Category B Activity 10**-“The construction of a facility for waste management activity listed in category B of this schedule (not in isolation to associated waste management activity).
- c) **Category B Activity 11**- “ The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a mining right in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act no.28 of 2002).

**The applicant is herein authorised to undertake the following alternative related to the listed activity/ies:**

### **Description of the activities to be undertaken:**

- Construction of an overland conveyer network from the existing secondary crushing and screening plant to the existing management product stockpile
- Construction of the 11 kv overhead powerline.

## **C. PROPERTY DESCRIPTION AND LOCATION**

The listed activities will be undertaken at on portion 8 of the farm Mamatwan 331, portion 16 (portion of portion 1) portion 17 (portion of portion 2, portion 18 (portion of portion 3) of the farm Mamatwan 331 and the remainder of the farm Moab 700, situated in the Magisterial District of Hopetown Northern Cape Region. The total footprint of the proposed additional infrastructure covers an extent area of 200ha and it is located inside and outside the mining right area.

The SG digit codes are: TO0000000000033100016  
: TO0000000000033100017  
: TO0000000000033100018  
: TO0000000000033100008  
: TO0000000000070000000

Co-ordinates of the boundary of the property/ies are those that are described in the final site layout map attached hereto hereinafter referred to as “the site”.

**Western Waste Rock Dump site coordinates (WGS84)**

	<b>Longitude</b>	<b>Latitude</b>
<b>A</b>	<b>27°.23'51.38"S</b>	<b>22°.58'2.89"E</b>
<b>B</b>	<b>27°.23'53.05"S</b>	<b>22°.57'4.68"E</b>
<b>C</b>	<b>27°.23'38.75"S</b>	<b>22°.56'51.37"E</b>
<b>D</b>	<b>27°.23'8.18"S</b>	<b>22°.57'16.53"E</b>

**Eastern Waste Rock Dump site coordinates (WGS84)**

	<b>Longitude</b>	<b>Latitude</b>
<b>A</b>	<b>27°.23'17.56"S</b>	<b>22°.58'15.85"E</b>
<b>B</b>	<b>27°.22'15.19"S</b>	<b>22°.58'39.44"E</b>
<b>C</b>	<b>27°.22'51.08"S</b>	<b>22°.58'38.35"E</b>
<b>D</b>	<b>27°.23'17.05"S</b>	<b>22°.58'15.15"E</b>

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

SLR Consulting (Pty) Ltd  
SLR House Block 7  
Fourways Manor office park  
Cnr Roos and Macbeth Street  
Johannesburg  
2060

Attention: M.Medallie  
E-mail: [mmedallie@slrconsulting.com](mailto:mmedallie@slrconsulting.com)  
Fax: 011 467 0978  
Tell: 011 467 0945

## E. CONDITIONS OF AUTHORISATION

### 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 it deems 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 holders of the EA contact details change including the name of the responsible person, physical/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 absolve 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 the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
18. The holder of an authorisation as the case may be, must apply for an closure certificate upon the lapsing, abandonment or cancellation of the right in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a right . An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, and relinquishment.

## **2 APPEAL OF AUTHORISATION**

2.1 The holder of EA must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with EIA Regulation 4(2)-

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 this Annexure 2 (Departmental Standard Conditions).

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.

## **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 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.

3.4 Appropriate notification sign(s) must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.

3.5 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.

- 3.6 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.
- 3.7 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation (NCNCA) Act no. 9 of 2009 must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 3.8 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.9 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.
- 3.10 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.
- 3.11 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 operation. 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.
- 3.12 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, 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.

- 3.14 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.15 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.17 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) and or Northern Cape Heritage Resource Agency (NCHRA) (in accordance with the applicable legislation). 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) and or Northern Cape Heritage Resource Agency (NCHRA).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, 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.

- 3.18 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.19 Hydraulic fluids or chemicals required during construction 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.

- 3.20 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.
- 3.21 The holder of EA must ensure that any water uses listed in terms of section 21 of National Water Act, 1998 (Act 36 of 1998) must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies). The holder of the EA shall note that in terms of Section 19 (1) of the national Water Act, 1998 (Act No. 36 of 1998). "An owner of land , a person who occupies or uses the land on which – (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring."
- Therefore any pollution incident (s) associated with the proposed project shall be reported to the relevant Regional Office of the DMR and Department of Water and Sanitation within 24 hours.
- 3.22 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.
- 3.23 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) at all times comply with the approved EMPr.
- 3.24 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.
- 3.25 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 approved EMPr. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the approved EMPr.
- 3.26 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 license is issued in respect of that activity if license is required.

- 3.27 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.
- 3.28 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence/continue with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.29 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. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio-visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.
- 3.30 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rain water from getting in contact with the waste.
- 3.31 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.
- 3.32 You shall not store any fuel either above or underground, with a combined capacity of 80 cubic metres or more without an authorisation in each of the above mentioned sites. All fuels and lubricants that are allowed to be stored in the sites must be stored inside a bounded area.
- 3.33 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 issued 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.

- 3.34 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.
- 3.35 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 finalized.
- 3.36 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.
- 3.37 If the EA holder is not the surface owner must before commencement of the mining activities consult with the land owners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.
- 3.38 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.
- 3.39 The Waste Rock Dump extension of the Eastern and Western side are authorized as a temporary residue deposit and will be used for backfilling of the open pit while mining.

#### **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 (lies) 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). Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMP must be available on site to the aforesaid authorised official on request at all times.

- 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.
- 4.4. 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.
- 4.5 A buffer zone of 100 meters between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.6 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.7 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 licensed waste management facilities for recycling, reuse or treatment.
- 4.8 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.
- 4.9 Mining/Prospecting vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
- 4.10 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.
- 4.11 Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.
- 4.12 Only listed activities that are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department before such

activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.

- 4.13 Any changes to or deviations from the activity description set out above must be approved in writing by the competent authority before such changes or deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the EA holder to apply for further authorisation in terms of the regulations.
- 4.14 Rehabilitation of the disturbed surface caused by the operation at all times must comply with the conditions set in the approved EMPr. The historical liability in the mining area form part of mining permit.
- 4.15 The holder of the EA must ensure that the names 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.
- 4.16 Adhere to the recommendations from Groundwater Assessment report and Ecological fauna and flora habitat specialist report.
- 4.17 The ECO must:
  - 4.17.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material);
  - 4.17. 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;
  - 4.17.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
  - 4.17.4. Keep copies of all environmental reports submitted to the Department;
  - 4.17.5. Keep the records of all permits, licences and authorisations required by the operation; and
  - 4.17.6. Compile a monthly monitoring report and make it available to the Department if requested.

- 4.18 The duties and responsibilities of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA and NEMWA
- 4.19 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.
- 4.20 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.
- 4.20 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.
- 4.21 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
- 4.22 The holder of the environmental authorisation 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.
- 4.23 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 4.24 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
- 4.25 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.

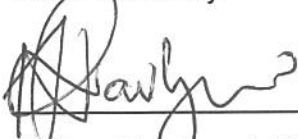
- 4.26 Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
- 4.27 If any soil contamination is noted during mining period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.
- 4.28 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

## G. 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



**Acting Regional Manager**

**Regional Manager: Mineral Regulation (Northern Cape Region)**

**DATE OF DECISION:** 03/07/2019

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

NC 30/5/1/1/2 (206/00130 MR) MEM

## ANNEXURE 1:

### REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the followings:

- a) The information contained in the Environmental Authorisation application form received by the competent authority on the 15<sup>th</sup> of November 2018, the Scoping Report received by the competent authority on the 21<sup>st</sup> of January 2019, the Environmental Impact Assessment Report (EIAR) and Environmental Management Programme (“EMPr”)/closure plan received by the competent authority on 30<sup>th</sup> of April 2019;
- b) Relevant information contained in the Departmental information base, including, the Department’s circular on the One Environmental Management System dated 8 December 2014;
- c) 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) (“NEMA”);
- d) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, meetings, as included in the EIR submitted on the 30<sup>th</sup> of April 2019;
- e) Biodiversity study; fauna and flora habitat specialist report conducted on the month of May 2018 and also incorporated in the EIR & EMPr report;
- f) Ground water study; Storm water Management plan and water balance dated June 2018;
- g) Soils and land study dated 12 June 2018
- h) Air quality study conducted on the month of May 2018
- i) This application was submitted in terms of the 2014 as amended NEMA Environmental Impact Assessment Regulations (“EIA Regulations”);

- j) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- k) Heritage Impact Assessment (HIA) conducted on the 25<sup>th</sup> of May 2018 to determine if there are any archaeological and/ or Paleontological sites that may be impacted upon by the proposed prospecting activities (Act 25 of 1999) was incorporated in the EIR report;
- l) Preliminary closure plan conducted in August 2018, closure liability and the financial provision quantum submitted on the 20<sup>th</sup> of June 2019;
- m) Letter of agreement and rehabilitation strategy between Tshipi and Mamatwan Waste Rock Dump;
- n) A copy of the title deeds for portion 8 of the farm Mamatwan 331 for Tshipi e ntle Manganese Mining.
- o) The Company has the financial provision to the amount of **R122, 927, 489.77** provided for the rehabilitation of the current and future impacts, which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact and the additional listed activities is covered and it deemed sufficient to cover the rehabilitation cost.

All information presented to the competent authority was taken into account in the consideration of the application for an additional environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

## **1. Exemption**

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process ("PPP") in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2014 was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP and the Department was satisfied with the documentation that was submitted as a proof of the whole process.

## **2. Public Participation**

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R326.

The PPP conducted as part of the EIAR process included:

- Notification to landowner and adjacent landowners;
- registered letters and e-mail correspondent;
- Newspaper adverted notice;
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

## **3. Alternatives**

The proposed mining operation and current proposed site shows to have an overall high, medium to low negative impact on the environment. Any alterations to the site layout or prospecting and prospecting related activities may result in a lesser significant impact on the environment, but not significant enough to consider the alternative.

There were no other alternatives in regard to the preferred site, since the mine does not have enough space for conducting mining activities or infrastructure.

## **4. Impacts, assessment and mitigation measures**

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management programme mitigation measures.

## **5. 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.

## **6. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, 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 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.

-END-