



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

per hand
Name: Mojalefa M. Alhade
Date: 22-09-2022
Sign:

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift road, Telkom Building, Kimberley 8301, Enquiries: Kgaudi Shapo E-mail: Kgaudi.Shapo@dmr.gov.za
Ref No: NC 30/5/1/2/3/2/ 069MR OR 00205MR

The Directors

Sishen Iron Ore Company (Pty) Ltd (Kolomela Mine)

Private Bag X3003

Postmasburg

8420

Dear Sir/ Madam

INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2017: ACTIVITY RELATED TO PROSPECT PRODUCTION AND ASSOCIATED INFRASTRUCTURE FOR MINING RIGHT OF IRON ORE ON REMAINING EXTENT OF THE FARM PLOEGFONTEIN NO. 487; REMAINDER EXTENT OF THE FARM LEEUFONTEIN NO. 488; FARM STRYDFONTEIN NO. 614; REMAINDER EXTENT OF THE FARM KLIPBANKFONTEIN NO. 489; REMAINDER EXTENT, PORTIONS 1, 2, AND 3 (PORTION OF PORTION 1) OF THE FARM KAPSTEVEL NO. 541; FARM WELGEVONDEN NO. 486; PORTION 1 OF THE FARM NO. 432 (LANGVERWACHT) AND FARM NO. 364 (HEUNINGKRANS), SITUATED IN THE MAGISTRAL DISTRICT OF HAY, NORTHERN CAPE REGION.

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

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations of 2017, you are instructed to notify all registered interested and affected parties, in writing

within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

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

Appeal to the Department of Environmental Affairs

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

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region
By facsimile : (053) 8328 593
E-mail : Ntombi.Mayekiso@dmr.gov.za
By post : Private Bag X 6093, **Kimberley**, 8300
By hand : DMR Building, 41 Schmidtsdrift road, Telkom Building, **Kimberley**,
8301

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

Kind Regards



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REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGIONAL OFFICE

DATE: 19/09/2022



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schmidtsdrift road, Telkom Building, Kimberley 8301, Enquiries: Kgaudi. Shapo E-mail: Kgaudi.shapo@dmr.gov.za
Ref No: NC30/5/1/2/3/2/1/069MR OR 100205mr

ENVIRONMENTAL AUTHORISATION

Reference number: NC30/5/1/2/3/2/1/069MR OR 00205 EM

Last amended: Several amendment

Holder of authorisation: Sishen Iron Ore Company (Pty) Ltd (Kolomela Mine)

Location of activities: REMAINING EXTENT OF THE FARM PLOEGFONTEIN NO. 487; REMAINDER EXTENT OF THE FARM LEEUFONTEIN NO. 488; FARM STRYDFONTEIN NO. 614; REMAINDER EXTENT OF THE FARM KLIPBANKFONTEIN NO. 489; REMAINDER EXTENT, PORTIONS 1, 2, AND 3 (PORTION OF PORTION 1) OF THE FARM KAPSTEVEL NO. 541; FARM WELGEVONDEN NO. 486; PORTION 1 OF THE FARM NO. 432 (LANGVERWACHT) AND FARM NO. 364 (HEUNINGKRANS), SITUATED IN THE MAGISTRIAL DISTRICT OF HAY, NORTHERN CAPE REGION.

DECISION

ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended

DEPARTMENT: Department of Mineral Resources.

IEA: Integrated Environmental Authorisation.

EMPr: Environmental Management Programme

BAR: Basic Assessment Report

I&AP: Interested and Affected Parties

ECO: Environmental Control Officer

SAHRA: South African Heritage Resources Agency

EIA REGULATIONS: EIA Regulations, 2017

MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended

EIA: Environmental Impact Assessment.

The Department is satisfied, based on information availed to it and subject to compliance with the conditions of this Integrated environmental authorisation, that the applicant should

be authorised to undertake **NEMA**, and **EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this integrated environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA the Department hereby grant an application for EA by **Sishen Iron Ore Company (Pty) Ltd (Kolomela Mine)** with the following contact details –

The Directors

Sishen Iron Ore Company (Pty) Ltd (Kolomela Mine)

Private Bag X3003

Postmasburg

8420

For attention: Fhatuwani Mashau

E-mail: Fhatuwani.mashau@angloamerican.com

To undertake the following activities listed in the NEMA and EIA Regulation.

LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 9

Description:

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

(i) with an internal diameter of 0,36 metres or more; or

(ii) with a peak throughput of 120 litres per second or more; excluding where—

(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or

(b) where such development will occur within an urban area.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 2: Activity Number: 12

Description:

The development of- (i) canals exceeding 100 square metres in size; (ii) channels exceeding 100 square meters in size; (iii) bridges exceeding 100 square meters in size; (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square meters in size; (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square meters in size; (vi) bulk storm water outlet structures exceeding 100 square meters in size; (vii) infrastructure or structures with a physical footprint of 100 square meters

or more; the development of –(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse;

Excluding –(aa) the development of infrastructure or structure within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) Where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads; or road reserves or railway line reserves.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 13

Description

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 14

Description

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 16

Description

The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 24

Description:

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 meters; but excluding a road- (a) which are identified and included in activity 27 in Listed Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 27

Description:

The clearance of an area of 1 hectare 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 a maintenance management plan.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 28

Description:

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, 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; or
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial, or institutional purposes.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 30

Description:

Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 1: Activity Number: 56

Description:

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—(i) where the existing reserve is wider than 13,5 meters; or
(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.

Government Notice No. R. 327 of 07 April 2017 –

Listing Notice 2: Activity Number: 27

Description:

The development of a road—

- (i) [a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);]
- (ii) [a road administered by a provincial authority;]
- (iii) [a road] with a reserve wider than 30 metres; or
- (iv) [a road] catering for more than one lane of traffic in both directions; but excluding [the development and related operation of] a road—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 m545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies; which is 1 kilometre or shorter; or where the entire road falls within an urban area.

Government Notice No. R. 325 of 07 April 2017 –

Listing Notice 2: Activity Number: 2

Description:

The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where the electricity output is 20 megawatts or more.

Government Notice No. R. 325 of 07 April 2017 –

Listing Notice 2: Activity Number: 4

Description:

The development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.

Government Notice No. R. 325 of 07 April 2017 –

Listing Notice 2: Activity Number: 6

Description:

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 provincial legislation governing the generation or release of emissions, pollution, or effluent, excluding— (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater, or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or

Government Notice No. R. 325 of 07 April 2017 –

Listing Notice 2: Activity Number: 15

Description:

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; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Government Notice No. R. 325 of 07 April 2017 –

Listing Notice 2: Activity Number: 17

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— (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource [,] ; or (b) [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)] the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.

Government Notice No. R. 324 of 07 April 2017 –

Listing Notice 3: Activity Number: 8

Description:

The development and related operation of above ground cableways and funiculars.
Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; (cc) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or (dd) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.

Government Notice No. R. 324 of 07 April 2017 –

Listing Notice 3: Activity Number: 12

Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

g. Northern Cape

i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

ii. Within critical biodiversity areas identified in bioregional plans;

Government Notice No. R. 324 of 07 April 2017 –

Listing Notice 3: Activity Number: 14

Description:

The development of— (ii) infrastructure or structures with a physical footprint of 10 square metres or more, where such development occurs— (a) within a watercourse.

Government Notice No. R. 921 of 29 November 2013 –

NEMWA: Category B

GNR 632: Activity 10:

The construction of a facility for a waste management activity listed in Category B of this schedule (Not in isolation to associated waste management activity)

PROPERTY DESCRIPTION AND LOCATION

A listed activity will take place on the remaining extent of the farm Ploegfontein no. 487; remainder extent of the farm Leeufontein no. 488; farm Strydfontein no. 614; remainder extent of the farm Klipbankfontein no. 489; remainder extent, portions 1, 2, and 3 (portion of portion 1) of the farm Kapstevell no. 541; farm Welgevonden no. 486; portion 1 of the farm no. 432 (Langverwacht) and farm no. 364 (Heuningkrans), situated in the Magistrial District of Hay, Northern Cape Region.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EXM Environmental Advisory (Pty) Ltd

Trevor Hallatt

P.O. Box 1822

Rivonia

2128

Tel: 0100073617

Call: 0716892229

Fax: 0866160443

E-mail: trevor@exm.co.za

E. CONDITIONS OF AUTHORISATION

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the IEA shall be responsible for ensuring compliance with the conditions contained in the IEA. 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 IEA.
- 1.2. Any changes to, or deviation from the project description set out in this IEA must be approved in writing by this Department before such changes or deviation may be affected. 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 IEA 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 IEA 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 IEA must notify the Department as soon as the new details become known to the holder of the IEA.
- 1.5 The IEA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6. The holder of the IEA 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 IEA 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.
- 1.8. The holder of an IEA, must apply for a 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 IEA 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 way they may access the decision.

3 COMMENCEMENTS 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 IEA 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. All development footprint areas to remain outside of the wetlands and associated scientific buffer as far as practically as possible, even though some wetlands will be directly impacted. Material storage facilities to remain outside of the cryptic wetlands and associated scientific buffer. Watercourses must be protected against erosion arising from the stormwater runoff from the associated infrastructural area, runoff must be attenuated before discharging into the wetland.
- 3.7. Strict implementation of erosion control measure measures to limit loss of soil and sedimentation of the wetlands adjacent to the development. All surface development footprint areas must remain as small as possible and disturbance of soil profiles to be limited to what is essential. During the completion of the construction phase, areas of disturbance, particularly adjacent to the watercourse must be monitored until the natural vegetation has well established.
- 3.8. All Waste Rock Dump (WRD) must be transitorily vegetated upon rehabilitation to avoid negative high visual disturbance on surrounding receptors and dust that may emanated from it.

- 3.9. Once the iron ore has been removed all void must be backfilled to prevent a permanent and irreversible damage. There must be berm along the perimeter of the open pit. Optimise backfilling of all open pits and all disturbed areas to be rehabilitated. All rehabilitated areas to be contoured to ensure a free draining topography. Topsoil must be spread over the backfilled areas and all disturbed areas must be vegetated.
- 3.10. The company must adhere with the recommendations and mitigation measures that are: listed in section 12 of the Visual Impact Assessment Report dated 09th November 2021; section 6 of the Avifaunal Assessment Report; section 7 of the Hydrological Assessment and Water Balance Report dated August 2021; section 6 of the Air quality Impact Assessment Report dated September 2021; section 6 of the Noise Impact Assessment dated August 2021; section 5 of the Biodiversity Assessment Report by Scientific Terrestrial Services dated August 2021; and section 9 and 10 Heritage Impact Assessment 10 to 11 of the by PGS Heritage dated 18 October 2021.
- 3.11. The development footprint must be demarcated and ensure that no development related activities take place outside of the demarcated footprint, any structure which may act as perching sites for birds and animals must be installed with anti-perching spikes. Any light installed must face downwards to reduce the abundance of insect attraction to the light.
- 3.12. In terms of civil aviation sensitivity verification report by GWI Aviation advisory dated on 31 August 2021 they recommend that the sensitivity classification of the Solar PV facilities be amended to low.
- 3.13. To reduce the ground water (fresh water) the company must fix any leaking pipes or pumps around the ring main, fix any leaks along the export pipeline, reuse the stormwaters that were collected in each pit, and optimizing filling of water bowsers at filling points to prevent spillage.
- 3.14. Avoid building stockpile inside loop area otherwise area will be classified as dirty water area and stormwater will then need to be contained.
- 3.15. 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.
- 3.16. The holder of IEA 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.

- 3.17. 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.
- 3.18 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.
- 3.19 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.
- 3.20 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 IEA 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.
- 3.21 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.
- 3.22 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.

- 3.23 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.24 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.
- 3.25 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.

- 3.26 It is still your responsibility to ensure compliance regarding any comment that SAHRA can issue after the granting of this IEA.
- 3.27 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.28 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.

- 3.29 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 wastewater treatment works.
- 3.30 The holder of IEA 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 IEA 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.
- 3.31 This IEA does not purport to absolve the holder of IEA from its common law obligations towards the owner of the surface of land affected.
- 3.32 The holder of IEA must ensure that rehabilitation of the disturbed areas caused by operation(s) always comply with the approved EMPr.
- 3.33 This IEA 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.
- 3.34 The holder of IEA 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.
- 3.35 The holder of IEA 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.

- 3.36 An appeal under section 43(7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an IEA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.37 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.
- 3.38 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.
- 3.39 The waste storage site must have a firm, impermeable, chemical resistant floors, and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
- 3.40 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 encountering the waste and must be diverted away from the storage site.
- 3.42 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 can be stored in the sites must be stored inside a bounded area.
- 3.43 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 IEA lapses, and a new application for IEA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken.

- 3.44 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.
- 3.45 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. If an appeal is lodged with the appeal administrator, the effect of this environmental authorization is suspended until such time as the appeal is finalized.
- 3.46 Should there be any conflicting conditions between this IEA and other approval granted by other authorities, it is upon the holder of IEA to bring it to the attention of the Department for resolution.
- 3.47 If the IEA holder is not the surface owner must before commencement of the mining activities consult with the landowners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.
- 3.48. 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.

4 MANAGEMENT OF ACTIVITY (IES)

- 4.1. A copy of the IEA and EMPr must be kept at the property or on-site office where the activity (ies) will be undertaken. The IEA 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 IEA 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 Integrated 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 always conducted, 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 IEA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.7 The holder of the IEA must ensure that all non-recyclable waste is 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 IEA 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 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 IEA 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 IEA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your IEA 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 IEA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the IEA 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 affected. 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 IEA holder to apply for further authorization in terms of the regulations.
- 4.14 Rehabilitation of the disturbed surface caused by the operation always must comply with the conditions set in the approved EMPr. The historical liability in the mining area form part of mining right.
- 4.15 The holder of the IEA 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 IEA must also ensure that an ECO is always available on site to ensure that activity (ies) always comply with the issued IEA and approved EMPr.
- 4.16 The ECO must:
 - 4.16.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals, or any other material.
 - 4.16.2. 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.
 - 4.16.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.16.4. Keep copies of all environmental reports submitted to the Department.
 - 4.16.5. Keep the records of all permits, licences and authorisations required by the operation; and
 - 4.16.6. Compile a monthly monitoring report and make it available to the Department if requested.

- 4.17 The duties and responsibilities of the ECO should not be exempting the holder of the IEA from the legal obligations in terms of the NEMA and NEMWA.
- 4.18 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.
- 4.19 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 IEA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations to minimise the risk involved. Records of training and verification of competence must be kept by the holder IEA.
- 4.21 To prevent nuisance conditions, the holder of the IEA must ensure that all storage skips and bins are not overfilled.
- 4.22 The holder of the IEA 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 of the IEA is responsible for ensuring compliance with the conditions IEA 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 IEA.
- 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 after 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



Ad Regional Manager: Mineral Regulation (Northern Cape)

DATE OF DECISION: 19/09/2022

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

NC 30/5/1/2/3/2 (069MR / 00205)

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. R. 326.

The PPP conducted as part of the EIAR process included:

- Notification to landowner and adjacent landowners.
- PPP Presentation slides
- PPP meeting
- 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 Integrated 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 Integrated environmental authorisation.

3. Alternatives

The proposed mining area is selected as it contains good quality sand located in a convenient position near transport routes. The layout and technology of this sand mining project has been determined by the shape, position, and orientation of the mineral resource.

No other alternatives regarding the preferred site, activities and technology is considered as the current planning is to be best possible option at this stage to ensure minimal environmental disturbance and cost-effective prospecting operation.

4. Impacts, assessment, and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management plan 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 considered.
- 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.

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