




DEPARTMENT OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA



POWER OF ATTORNEY

I, **Dr. Thibedi Ramontja**, in my capacity as Director-General: Department of Mineral Resources, by virtue of the powers delegated to me in terms of section 103 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), hereby grant a Power of Attorney to the Regional Manager: Northern Cape Region of the Department of Mineral Resources, to sign the mining right as contemplated in section 23(1) of the said Act, in favor of **Lehating Mining (Pty) Ltd** to mine **manganese ore and iron ore** in respect of a **Portion of portion 1 of the Farm Lehating no. 741** situated in the Administrative District of **Kuruman**, according to the approval signed by me today.

Signed at Pretoria on this 13th day of July 2015


DIRECTOR-GENERAL:
DEPARTMENT OF MINERAL RESOURCES

AS WITNESSES:

1. 
2. 



DEPARTMENT: MINERAL RESOURCES
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)


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Protocol No: 191 /2015
File Ref No 10028 MR
Application No



LET IT HEREBY BE MADE KNOWN:

THAT on this 07th day of **October** in the year **2015**, before me, **Ian Myburgh Jooste** 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:

Sunday Mishack Mabaso, Regional Manager, **Northern Cape** Region of the Department of Mineral Resources, and as such in his / her capacity as the duly authorised representative of:

THE MINISTER OF MINERAL RESOURCES

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the **Director-General** of the Department of Mineral Resources on the 13th day of **July** in the year **2015** in terms of the powers delegated by the Minister on the 12th day of May 2004 in terms of section 103 (1) of the Act,

AND



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Nico Hager in his capacity as the company's Representative, and as such, the duly authorised representative of Lehating Mining (Pty) Ltd, Registration number:

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(Hereinafter together with his successors in title and assigns referred to as "the Holder", he, the said representative, being duly authorised thereto under and by virtue of a resolution of directors of the Holder, passed on the 17th day of August in the year 2015 which 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** of the Department of Mineral Resources 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:



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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 **October** in the year **2015** (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 **2015**; and ends on 28th day of **February** in the year **2016**;

'Holder' is as defined in the Act, and specifically in relation to this right, it means **Lehating Mining (Pty) Ltd**, Registration No/Identification No **200603235007**;

'Mineral' is as defined in the Act, and specifically in relation to this right means **Manganese Ore and Iron 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 Mineral Resources 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 Mineral Resources; 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.


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1. Description of the Mining Area

The Mining Area shall comprise the following:

Certain: **A Portion of Portion 01 of the farm Lehating No. 741**

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

Measuring: **98. 6017** hectares in extent.

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

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

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 **07th October 2015** 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 **20 (twenty)** years ending on **06th October 2035**.


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:

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- 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.


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- 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.

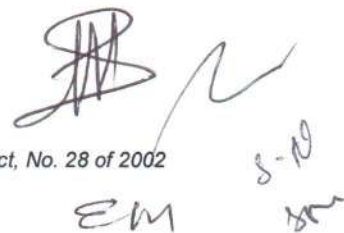
12. Inspection of Mining Area

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



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- 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 15th 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.

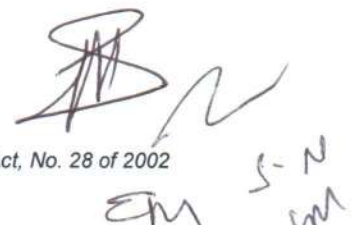
16. Compliance with the Laws of the Republic

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 **23 April 2010** entered into between the Holder/ empowering partner and **TWP Investmets (Pty) Ltd 13.3%, Afmelo Investments (Pty) Ltd 6.8%, Philip Hoff 5.7%, Charles Sambo 5.1%, Leka Monama 5.7%, Nico Hager 5.1%, Allan Viljoen 4.2%, Casper Steenkamp 5.1%, Sarel Van Der Merwe 4.3%, BEE Entity & Lehating Mining Employee Trust 5% (both represented by Afmelo Investments (Pty) Ltd, Traxys Projects LP 37.3% & Northern Cape Minerals LLC 2.4%** (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

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- 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
65 Phakamile Mabija Street Permanent Building Kimberley Code 8301 Tel 053 807 1700 Fax 053 832 5631	Private Bag X 6093 Kimberley 8300

20.1.2. In the case of the Holder:

Physical Address	Postal Address
The Pivot, 4th Floor Block A Monte Casino Boulevard	12 Kareekraal Avenue Eldoraigne X 3

FourwaysCode **2055**Tel **083 453 6621**Fax **086 235 6215****Pretoria****0157**

- 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

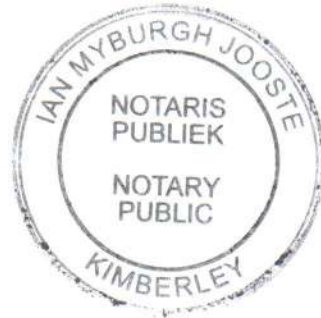
The Holder shall pay all costs and charges incurred in connection with the execution and registration of this prospecting right.


Thus done and signed at **Kimberley** on the **07th** day of **October** in the year **2015** in the presence of the undersigned witnesses:

AS WITNESS:For and on behalf of the **Minister****AS WITNESS:**

For and on behalf of the Holder


Notary Public




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SIDES		ANGLES OF		COORDINATES	
Metre		DIRECTION		Y	System : WG.23° X
		Constant		+0,00 +2900 000,00	
AB	1 088,72	270 03 55	A	+15 073,60	+91 439,31
BC	1 186,70	7 43 13	B	+13 984,88	+91 440,55
CD	1 151,22	118 05 58	C	+14 144,30	+92 616,49
DA	640,78	187 44 02	D	+15 159,83	+92 074,26
Connection Data					
BX	2 932,49	270 03 55	X	+11 052,39	+91 443,89
CY	1 354,95	298 05 58	Y	+12 949,06	+93 254,68
(43) Black Rock			Δ	+16 474,78	+101 712,22
(83) Abbatoir			Δ	+12 343,06	+105 265,46

Description of Beacons

A, Y. 12mm Iron peg in Planted Stone
 B, C. 16mm Iron peg
 D. Iron Standard at intersection of fences
 X. 12mm Iron peg

S.G. No.

1102/2011

Approved

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for
Surveyor General

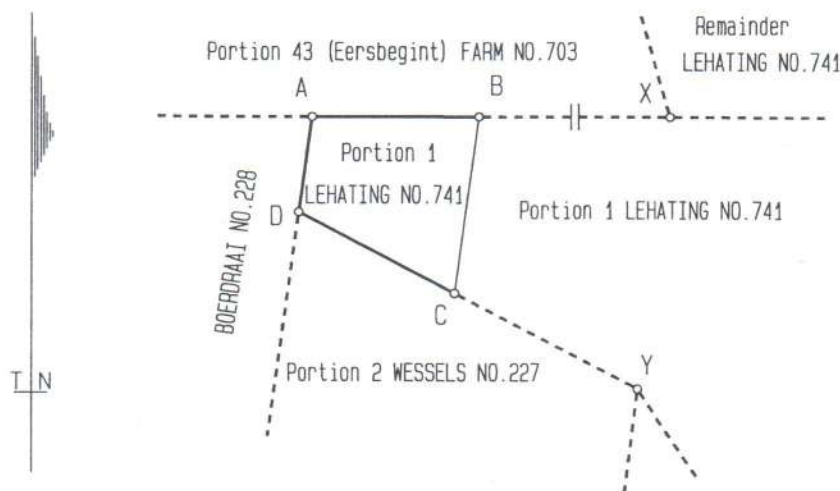
2011.11.15

Mining Region :
Northern Cape

Issued by
The Regional Director
Department of
Minerals and Energy
Northern-Cape

Signature

Date



Scale 1 : 50 000

The figure A B C D represents in extent 98,6017 hectares, being a Mining Right to be issued in favour of LEHATING MINING (Pty.) Ltd. No.2006/032350/07 situate on (a portion of) Portion 1 of the farm LEHATING NO.741 vide SG Diagram No.F6543/1994 Administrative District Kuruman Mining Region Northern-Cape Northern-Cape Province Surveyed by me in February 2009, July 2009 and October 2011

G.O.L. Cross
G.O.L. Cross
PLS 0124
Pr.Land Surveyor

This diagram is annexed to

dated
i.f.o.
Registrar of Deeds

The Original Diagram is
S.G. No F6543/1994
Transfer 2892/1994

File No. KURM 741
S.R. No. 514/2011
Comp. No. HL-2 (5725)
(Mineral)

FX



AND

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the **Director-General** of the Department of Mineral Resources on the 13th day of **July** in the year **2015** in terms of the powers delegated by the Minister on the 12th day of May 2004 in terms of section 103 (1) of the Act,

THE MINISTER OF MINERAL RESOURCES

Sunday Mishack Mabaso, Regional Manager, **Northern Cape** Region of the Department of Mineral Resources, and as such in his / her capacity as the duly authorised representative of:

THAT on this 07th day of **October** in the year **2015**, before me, **Ian Myburgh Jooste** 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:

LET IT HEREBY BE MADE KNOWN:

Protocol No: **191 /2015**
File Ref No **10028 MR**
Application No



REGISTRATION OFFICE: PRETORIA
In the register of **Mining Rights**
On the **10** day of **November** **2015**
Under MPT No.: **59/2015**
pp DIRECTOR-GENERAL: MINERAL RESOURCES



the denc

Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel 053 807 7300, Fax 053 807 7328

Equities :
Dipatlisiso
Navrae
Imibuzo
Reference
Tshupelo :
Verwysing
Isalathiso

Mr. Marvin Mathews

NC/EIA/JTG/JOE/LEH2/2012

Date : 22nd September 2014
Let/ha :
Datum :
Umhla :

Lehating Mining (Pty) Ltd

Nico Hager
12 Kareekraal Avenue
Eldoraigne Extention 3
0157

nhager@lehating.com

086 235 6215

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITIES: 1, 10, 11, 12, 13, 18, 22, 26, & GN.R 545: ACTIVITIES: 05, 15, 19, & GN. R546: ACTIVITIES: 02, 03, 04, 09, 10, 14 & 16, : THE PROPOSED LEHATING MANGANESE MINE NEAR HOTAZEL, JOE MOROLONG LOCAL MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITIES: 1, 10, 11, 12, 13, 18, 22, 26, & GN.R 545: ACTIVITIES: 05, 15, 19, & GN. R546: ACTIVITIES: 02, 03, 04, 09, 10, 14 & 16, : THE PROPOSED LEHATING MANGANESE MINE NEAR HOTAZEL, JOE MOROLONG LOCAL MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Environmental Impact Assessment Report dated January 2014** subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within twelve (12) calendar days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 26/2014

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation (62) of Environmental Impact Assessment Regulations, 2010, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

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

Yours faithfully



Mr. B Fisher – Acting Director

Environmental Quality Management

Department of Environment and Nature Conservation

DATE OF DECISIONS: 22 September 2014

Cc: SLR Consulting (Pty) Ltd
011 – 467 0978
vtucker@slrconsulting.com

**Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION**



**PorofensiYaKapaBokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO**

**ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of
1998) and the Environmental Impact Assessment Regulations, 2010**

**Authorisation Register
Number:**

Permit 26/2014

Reference Number:

NC/EIA/JTG/JOEL/LEH2/2012

Last Amended:

n/a

Holder of Authorisation:

Lehating Mining (PTY) LTD

Location of activity:

Proposed Lehating Manganese Mine near
Hotazel, John Taolo Gaetsewe District
Municipality, Northern Cape Province

DEFINITIONS

Activity means an activity identified in Government Notice No. R. 544 and No. R. 545 of 2010 as a listed activity.

Applicant means a person who has submitted an application.

Application means an application for an environmental authorization in terms of chapter 3 of the Environmental Impact Assessment Regulations of 2010.

Basic assessment report means a report contemplated in regulation 22.

Environmental Impact Report means a report contemplated in regulation 31 of the Environmental Impact Assessment Regulations of 2010.

EAP means an environmental assessment practitioner as defined in section 1 of the Act.

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

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

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

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

DECISION

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

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

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

Lehating Mining (PTY) LTD
with the following contact details –

Nico Hager
12 Kareekraal Avenue
Eldoraigne Ext 3
0157
Tel: 010 591 3233
Fax: 086 235 6215
Email: nhager@lehating.com

to undertake the following activity (hereafter referred to as “the activity”)

Activity No. 01 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure for the generation of electricity where:

- i. the electricity output is more than 10 megawatts but less than 20 megawatts;
or

Activity No. 10 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure for the transmission and distribution of electricity -

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or

Activity No. 11 of GN. R.544 of 18 June 2010:

The construction of:

- (iii) bridges;

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity No. 12 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 19 of Notice 545 of 2010;

Activity No. 13 of GN. R.544 of 18 June 2010:

The construction 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.

Activity No. 18 of GN. R.544 of 18 June 2010:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;

- (ii) the sea;

- (iii) the seashore;

- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high- water mark of the sea or an estuary, whichever distance is the greater-but excluding where such infilling, depositing , dredging, excavation, removal or moving;

(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or

(b) occurs behind the development setback line.

Activity No. 22 of GN. R.544 of 18 June 2010:

The construction of a road, outside urban areas,

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

Activity No. 26 of GN. R.544 of 18 June 2010:

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

Activity No. 05 of GN. R.545 of 18 June 2010:

The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or 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 that Act will apply.

Activity No. 15 of GN. R.545 of 18 June 2010:

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

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(a) In Northern Cape provinces:

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(a) is to be placed on a site not previously used for this purpose, and (b) will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.

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(a) In Northern Cape:

ii. Areas outside urban areas

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Activity No. 14 of GN. R.546 of 18 June 2010:

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for: afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;

(a) In Northern Cape Provinces,

i. All areas outside urban areas.

Activity No. 16 of GN. R.546 of 18 June 2010:

The construction of:

(iv) infrastructure covering 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(a) In Northern Cape,

ii. Outside urban areas, in:

(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

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

General conditions:

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 (SEVEN) days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department of Water Affairs, Department of Minerals Resources, Department of Transport, Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Administration clerk (Impact Management Unit) before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein:
 - i. Conditions: 11 and 24
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.

16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials
18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's Basic assessment Report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
20. This Department and any national Department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented.
23. A biodiversity off-set must be implemented and arranged with the Department of Environment and Nature Conservation's biodiversity component and National Protected Area Management in terming a suitable off-set for the project.

Appeal of authorisation:

24. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (TWELVE) calendar days, of receiving notice of the Department's decision to authorise the activity.

25. The notification referred in 24 must –

- specify the date on which the authorisation was issued;
- inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
- advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

26. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented.
27. All areas disturbed during the commissioning of the activity must be rehabilitated.
28. Best practice of waste avoidance, minimisation and disposal of waste at an appropriate facility must be implemented

Monitoring

26. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented.
27. The monitoring of the constructors, compliance with conditions of this Environmental Authorization is essential and must be done on a weekly basis. Any deviances from the conditions of this Environmental Authorization must be rectified immediately.
28. The ECO shall be appointed before commencement of any land clearing or construction activities.
29. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
30. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
31. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and Reporting to the Department:

32. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
33. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by the reason for non-compliance.
34. Records relating to the compliance/non-compliance with the conditions of the authorisation and contracts must be kept in good order. Such records must be made available to the Department within 7 days of receipt of a written request by the Department for such records.
35. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.

Commissioning of the activity:

36. 14 days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
37. The authorised activity shall not commence within thirty (30) days of the date of signature of the authorisation.
38. Should you be notified by the MEC of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.
39. The disposal of general waste and that of hazardous waste will be carried out in an environmentally safe way as to prevent and/or minimise the potential for pollution of water resources and collection, which should be done by an accredited waste collector. All applicable sections of the National Environmental Management: Waste Act 59 of 2008 should be strictly adhered to.
40. All hazardous waste (oil, effluent from corrosion protective activities) must be disposed of at the registered site
41. No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.

42. It is recommended that no threatened or protected species should be destroyed. Fauna and flora (including protected or endemic species) relocated or destruction should only be done if there is authorised by Department of Agriculture, Forestry and Fisheries (DAFF) and Department of Environment and Nature Conservation.
43. The Northern Cape Nature Conservation Act. 2009 (No.09 of 2009) must be taken into consideration, as any removal of listed species in this Act, will require the necessary permits from the Department of Environment and Nature Conservation.
44. Should any archaeological artefacts, graves or protected and endangered biota be found on site, the operation must be suspended and construction should only continue after consultation with South African Heritage Resources Agency (SAHRA).
45. The safety of the participants must be ensured by:
 - Involving qualified engineers in the design and construction of the proposed Structure and associated infrastructure.
 - Having regular safety inspections and ensuring participants are equipped with necessary safety equipment.
46. The construction process must ensure that the necessary safety signage and personal protective clothing is in place. The regulations pertaining Occupational Health and Safety Act must be adhered to at all times.
47. Any stockpiled soils should have storm water management measures implemented.
48. Topsoil removed during excavations must be kept separate from other material. Topsoil must be placed above other material during backfilling.
49. No vehicle or construction machinery may be extensively repaired on-site.
50. The holder of this Environmental Authorization must conduct the environmental awareness with the contractors.
51. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorisation as soon as possible to the satisfaction of parties concerned.
52. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will be allowed except at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the

substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.

53. Chemical toilets must be available for workers on site during construction phase only, i.e. sewage waste must be disposed off at the Municipal sewage plant on a regular basis. No "long drop" toilets will be allowed. No open space or surrounding bush shall be used as toilet facility under any circumstances.
54. It is the holder of this authorization's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.
55. All the areas (e.g. stockpiling of material, machines, workshop. etc) in the construction site must be clearly defined.
56. It is the contractor's responsibility that all staff/employees are familiar with all the emergency procedures. The contractor must also ensure that emergency numbers are visible and available and always updated.
57. The contractor must take all the necessary precautionary measures to ensure that no fires are caused as a result of construction activities.
58. The central waste collection point must be specific -where it will be situated to ensure that no soil or underground water contamination takes place, this should be done at least on weekly basis.
59. No construction of roads outside of the boundaries of the approved development site.
60. The regulation on the use of water for mining and related activities aimed at the protection of the water resources as published in the Government Notice No.704 of June (Government Gazette no.20119) must be complied with.
61. The approval of a Water Use License from the Department of Water Affairs must be obtained before commencement of the activity.

Operation of the activity:

62. The detailed mitigation as outlined in the EMP should be implemented.
63. General waste must be collected in drums containers disposed of weekly at a permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site. Precautionary measure should be taken to prevent refuse from spreading from or on the site.
64. All hazardous substances spillages must be reported to the Department of Environmental Affairs within 48 hours of the incident.

65. There must be procedures in place for the regular inspection and maintenance of the structure and associated infrastructure to ensure that environmental degradation is prevented and possible measures are put in place so that impacts arising from operation are mitigated.

Site closure and decommissioning:

66. All temporary facilities used in the construction phase must be decommissioned in a responsible manner and the place be rehabilitated.
67. The applicant must undertake simultaneous rehabilitation of the area to ensure that the remaining area is kept in a good and stable condition.
68. Soil that has become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
69. Should the activity ever cease or become redundant the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at the time.
70. All construction and storage sites and all areas disturbed by the project must be rehabilitated to their former or better condition. Those sites and areas must be re-vegetated with indigenous plants upon completion of the proposed development and must take place where necessary.
71. Should the project be abandoned or decommissioned, a Closure Management Plan must be compiled and the holder of the Environmental Authorization must rehabilitate the site to the satisfaction of this Department.

Non-compliance:

72. In the event of non-compliance by employees and contractors during the construction, operation and decommissioning phases of the project the applicant will be held liable.
73. The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise stated.
74. Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any other subsequent document emanating from this approval.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be launched at least six months before the validity period lapses. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321026

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



MR. B FISHER
ACTING – DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 02 September 2014

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Lehating Mining (PTY) LTD**, applied for authorisation to carry on the following activity –

The establishment of a manganese minining operation on the farm Lehating 741, the project will consist of and underground mining, crushing, screening and transport of manganese ore as well as other supportive infrastructure and services, John TaolaGaetsewe District Municipality, Northern Cape Province.

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- i. the electricity output is more than 10 megawatts but less than 20 megawatts; or

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- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high- water mark of the sea or an estuary, whichever distance is the greater-but excluding where such infilling, depositing , dredging, excavation, removal or moving;
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- (i) linear development activities; or
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(a) In Northern Cape Province,

ii. Outside urban areas, in:

(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

The applicant appointed **SLR Consulting (Africa) (PTY) LTD** to undertake an environmental impact assessment process.

Full EIA Assessment Process was followed.

2. Information considered in making the decision

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

- a) The information contained in the Application for Environmental Authorisation.
- b) The information contained in the Scoping received 02 August 2012 and EIA Reports received 30 January 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) and
- d) Ecological survey dated July 2013 by Dr.N.Birch of Ecological Management Services.
- e) Lehigh mine surface water management plan by Mark Bollaert dated June 2013.
- f) Lehigh flood study dated October 2011.
- g) Groundwater flow and contaminate transport modeling by Theo Rossouw and Rian Titus dated August 2013
- h) Heritage, cultural and paleontological study by PGS Heritage dated 17 July 2013.
- i) Air quality impact assessment by Airshed planning professionals (Pty) Ltd dated August 2013.
- j) Soil and land capacity study by ARC Institute for soil, climate and water dated March 2012.
- k) Traffic impact assessment dated July 2013.
- l) Economic impact analysis, alternative land use analysis and integrated development analysis by Gerrie Muller of Strategy4Good dated 28 May 2013.
- m) Pre-feasibility design of the tailing storage facility dated February 2012.
- n) The findings of the site visit undertaken by M.H. Mathews and V. Tucker on 27 February 2014.

3. Key factors considered in making the decision

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

- a) The legal and procedural requirements have been complied with the information contained in the Scoping and final EIA Report, and Appendices are to the satisfaction of the Department.
- b) Comments by interested and affected parties and other stakeholders.
- c) Comments by Research and Development Support dated 09 July 2014.

4. Findings

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

- a) The process was satisfactory in terms of the Regulation 36 of the EIA 2010 regulations.
- b) Minimum requirements for Public Participation Process has been met.
- c) The legal and procedural requirements have been complied with and the information contained in the scoping and EIA Reports; and Appendices is to the satisfaction of this Department.

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



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593
65 Phakamile Mabija, 1st Floor Permanent Building, Kimberley 8300

Enquiries: Kgaudi Shapo Ref No: NC 30/5/1/2/2/ (10122) MR
E-mail address: kgaudi.shapo@dmr.gov.za
Mine Environmental Management

REGISTERED MAIL

The Directors

Khwara Manganese (Pty) Ltd

P. O. Box 2098

Kathu

8446

For attention: Jeff Leader

E-mail: jpleader@intekom.co.za

Cell: (082) 499 8001

Fax: 086 577 8636

Dear Sir/ Madam

APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 201, AS AMENDED FOR ACTIVITIES RELATED TO MINING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF MANGANESE ORE AND IRON ORE ON PORTION 2 OF THE FARM WESSELS 227; REMAINING EXTENT; PORTION 3 (PORTION OF PORTION 1) AND PORTION 4 (PORTION OF PORTION 2) OF THE FARM DIBIAGHOMO 226, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN NORTHERN CAPE REGION.

With reference to the above mentioned 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, 2017 ("EIA Regulations") as amended. The environmental authorisation and reasons for the decision are attached herewith.

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 (appealsdirector@environment.gov.za).

- 3 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 39 9000, E-mail: 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

.....
REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGION

DATE.....
12/11/2018



mineral resources

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Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593
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Dear Sir/Madam

APPLICATION FOR 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: ACTIVITIES RELATED TO MINING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF MANGANESE ORE AND IRON ORE ON PORTION 2 OF THE FARM WESSELS 227; REMAINING EXTENT; PORTION 3 (PORTION OF PORTION 1) AND PORTION 4 (PORTION OF PORTION 2) OF THE FARM DIBIAGHOMO 226, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN NORTHERN CAPE REGION.

Your application in the above regard refers.

DECISION ON ENVIRONMENTAL AUTHORISATION

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, 2017, ("EIA Regulations") the competent authority herewith **grants** environmental authorisation to the

dated 06th November 2017.

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

Khwara Manganese (Pty) Ltd

P. O. Box 2098

Kathu

8446

For attention: Jeff Leader

E-mail: jpleader@intekom.co.za

Cell: (082) 499 8001

Fax: 086 577 8636

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

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 terms of 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 extraction of a mineral resource, or (b) including activities for which an exemption has been issued in terms of section 106 of 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 the Listing Notice applies.

PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on portion 2 of the Farm Wessels 227; Remaining extent; portion 3 (portion of portion 1) and portion 4 (portion of portion 2) of the farm Dibiaghomo 226,

approximately 1.6 kilometres North east of the town Black Rock.

The SG digit codes are: C04100000000022700002; C04100000000022600000; C04100000000022600000; C04100000000022600003; and C04100000000022600004

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".

	LONGTUTE	LATITUTE
A	22°50'51.02"E	27°02'21.82"S
B	22°55'2.76"E	27°04'59.48"S
C	22° 52'27.03E	27°06'43.25"S
D	22°50'17.72E	27°05'54.24"S

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SLR Consulting (South Africa) (Pty) Ltd

Natasha Smyth and Alex Pheiffer

Tele: 011 467 0945

Cell: 083 226 8570

E-mail: nsmyth@slrconsulting.com

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.

indicated in the EA and or on the approved EMPr. No surface infrastructure will be established and no service or technology will occur at Khwara Mine (Pty) Ltd, the facilities and services will be utilized from Lehating Mine.

- 1.4 Where any of the holder 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 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 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).

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 No vegetation clearance will take place at the mining area 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 Where construction will take place (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.



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 Where mining activities will take place 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 or 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.

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. Before the site can be disturbed by development it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is done as per section 38(8) of the NHRA.

- 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

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.

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 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. The activity (ies) must take place on the property (ies) which will be issued on the mining permit.
- 3.33 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.
- 3.34 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.

by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

3.36 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.

3.37 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 EA and EMPr must be kept at the property or on site office where the activity (ies) 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.

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 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.



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 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 The ECO must:

- 4.15.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material;
- 4.15.2. 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;
- 4.15.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
- 4.15.4. Keep copies of all environmental reports submitted to the Department;
- 4.15.5. Keep the records of all permits, licences and authorisations required by the operation; and
- 4.15.6. 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 seen as exempting the holder of the EA 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 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

corporation which they represent including damage, degradation or pollution.

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 20 (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;

1.4. 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.

2. The appeal form/s must be submitted 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,
Arcardia, Pretoria, 0083

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

obtainable from the office of the appeal authority/ at: Tel. (012) 399 9000, E-mail: appealsdirector@environment.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



Mr Pieter Swart

Regional Manager: Mineral Regulation (Northern Cape)

DATE OF DECISION: 12/11/2018

REASONS FOR THE DECISION

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

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on the 12th May 2017, Environmental Impact Assessment Report (EIAR) and Environmental Management Programme ("EMPr")/closure plan received by the competent authority on the 06th November 2017;
- 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") as amended;
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the (EIAR) dated the 06th November 2017;
- e) This application was submitted in terms of the 2017 NEMA Environmental Impact Assessment Regulations ("EIA Regulations") as amended;
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit; and
- H) The financial provision to the amount of **R2 261 213. 00** which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact.

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. 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 2017 (as amended) 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 Basic Assessment process included:

- identification of and engagement with I&APs;
- registered letter and e-mails
- 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

No mining method alternatives are being considered due to the depth of the ore body and the mining method that will already be established from the Lehating Mine will be used for the mining activities. The service or technology considered will be utilised from Lehating Mine.

4. Impacts, assessment and mitigation measures

4.1. Activity Need and Desirability:

Khwara Mine will support the national SA economy at a macro level by gearing exports that will leverage foreign income to the country. The direct economic benefits will be derived from continued wages, taxes and profits.

4.2. Regional/ Planning Context:

The mining will create job and increase regional economic development.

4.3. Services/ Bulk Infrastructure:

All services and mining method will be operating from Lehating Mine and no bulk infrastructure will be occurred on the mining area only underground mining will take place.

4.4. Cumulative:

During mining the ambient level will increase, this may cause a disturbance to any nearby potential receptors. The mitigation measure will be implemented at Lehating Mine, no noise impacts are expected because no surface activities are planned at Khwara Mining (Pty) Ltd.

4.5. Biophysical Impacts:

All services and technology will be occurred at Lehating Mine, no waste or infrastructure will take place on site.

4.6. Biodiversity:

No surface disturbance will take place, the mining activities will be underground mine.

4.7. Visual / Sense of Place:

The mining activity will not require the establishment of any surface infrastructure the landscape character will remain unchanged.

4.8. Dust and smoke:

The numbers of emission sources have been identified on the surrounding project area, however, no surface disturbance will be planned..

4.9. Noise:

Noise may be generated from distant sources such as mining, prospecting and traffic roads, however, no noise impacts will be expected because no surface activities are planned.

4.10. Health Issues (including HIV & Aids):

Employees will be advised and educated on the health and social issues.



4.11. Heritage / Archaeological / Built Environment:

Since the mining activity will not require the surface disturbance heritage and culture will not be affected.

4.12. Socio-economic:

The mine will contribute towards employment, procurement, skills development and taxes on a local, regional and national scale.

4.13. Offsets:

The EA holder must before commencement of the mining activities consult with the neighbouring farm for the impact that may emanate from mining activity.

4.14. Stewardship Agreements:

EA holder will make the EA condition known to all people working in the mining area.

4.15. Rehabilitation plan and Closure objectives:

To maintain the pre-mining or baseline state as far as possible. No surface disturbance will take place as no surface infrastructure will be established. Prevent the loss of third party groundwater supply. Allow for the continued use of the current land use (grazing). Mine closure will be achieved efficiently, cost effectively and in compliance with the law. The social and economic impacts resulting from mine closure are managed in such a way that negative socio-economic impacts are minimised.

In summary the development will result in both negative and positive impacts.

Negative Impacts:

The proposed activities have very low significance since these are short term activities. The probability of occurrence of an impact was determined and most of these activities can be controlled and impacts can be reduced or avoided. The probability was also used basing on looking at other prospecting activities of similar nature. Generally prospecting activities have low impact on the environment. The planned activities negative impacts can be controlled and avoided or minimised therefore the layout does not require revision. Changes in plan will be discussed with the farmers and approvals will be signed.

Positive impacts:

The positive impacts of the activities are the creation of employment which is really required in the region. It will prevent the sterilization of any ore reserves.

a) 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.

b) 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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