

APPENDIX G: LETTER OF EXEMPTION FROM THE HERITAGE IMPACT ASSESSMENT

22 February 2021

Archaeological/Heritage Impact Assessor
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LETTER OF EXEMPTION OF HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED INCREASE OF THE FLASH DRYER CAPACITY AND ASSOCIATED FEED CIRCUIT MODIFICATIONS AT THE IMPALA RUSTENBURG SMELTER COMPLEX

PGS Heritage Pty limited was requested by SLR Consulting (Africa) (Pty)(Ltd) to evaluate the need for a Heritage Impact Assessment (HIA) as envisaged in the National Heritage Resources Act (NHRA) of 1999.

1. Project background

Impala Platinum Limited (Impala), a member of the Implats group of companies, has a platinum group metals mining and processing operation located approximately 16 km north-north-west of the town Rustenburg in the Bojanala Platinum District Municipality in the North West Province (see **Figure 1**).

The mine operates with an approved consolidated Environmental Management Programme report (EMPr) (DMRE Reference number: NW30/5/1/2/3/2/1/130,131,132 and 133 EM) for the Smelter Complex and an Atmospheric Emissions Licence (AEL) (Reference Number: BPDM-RA2-MARCH 2014) for drying and smelting.

Impala's Smelter Complex has operational flash and spray dryers on Portion 2 of the farm Beerfontein 263 JQ. Impala is now proposing to amend its AEL to increase its flash drying capacity at its Smelter Complex (the "Project"), which entails:

- The installation of the second flash dryer (Phase 1); and
- An upgrade to the flash drying feed circuit (Phase 2).

2. Environmental Authorisation process

Prior to the commencement of the proposed project, the following is required:

- an approved amended EMPr from the Department of Mineral Resources and Energy (DMRE) in terms of Section 102 of the Mineral and Petroleum Resources Development Act (No. 28 of 2002, MPRDA), as amended;
- an environmental authorisation from the DMRE in terms of the National Environmental Management Act (No. 107 of 1998, NEMA), as amended. The Environmental Impact Assessment Regulations being followed are Government Notice Regulation (GNR) 982 of 4 December 2014, as amended; and
- an amendment of the AEL from the Bojanala District Municipality in terms of the National Environmental Management: Air Quality Act (No. 39 of 2004; NEM:AQA), as amended.

3. Heritage legislation

A NHRA Section 38 (Heritage Impact Assessments) application to the South African Heritage Resources Agency (SAHRA) is required when the proposed development triggers one or more of the following activities:

- a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- b) the construction of a bridge or similar structure exceeding 50 m in length;
- c) any development or other activity which will change the character of a site,
 - i. exceeding 5 000 m² in extent; or
 - ii. involving three or more existing erven or subdivisions thereof; or
 - iii. involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - iv. the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- d) the re-zoning of a site exceeding 10 000 m² in extent; or
- e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority

In this instance, the HIA for the project footprint is to be undertaken as a component of the Environmental Impact Assessment for the project. Provision is made for this in terms of Section 38(8) of the NHRA, which states that: “The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting

authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent”.

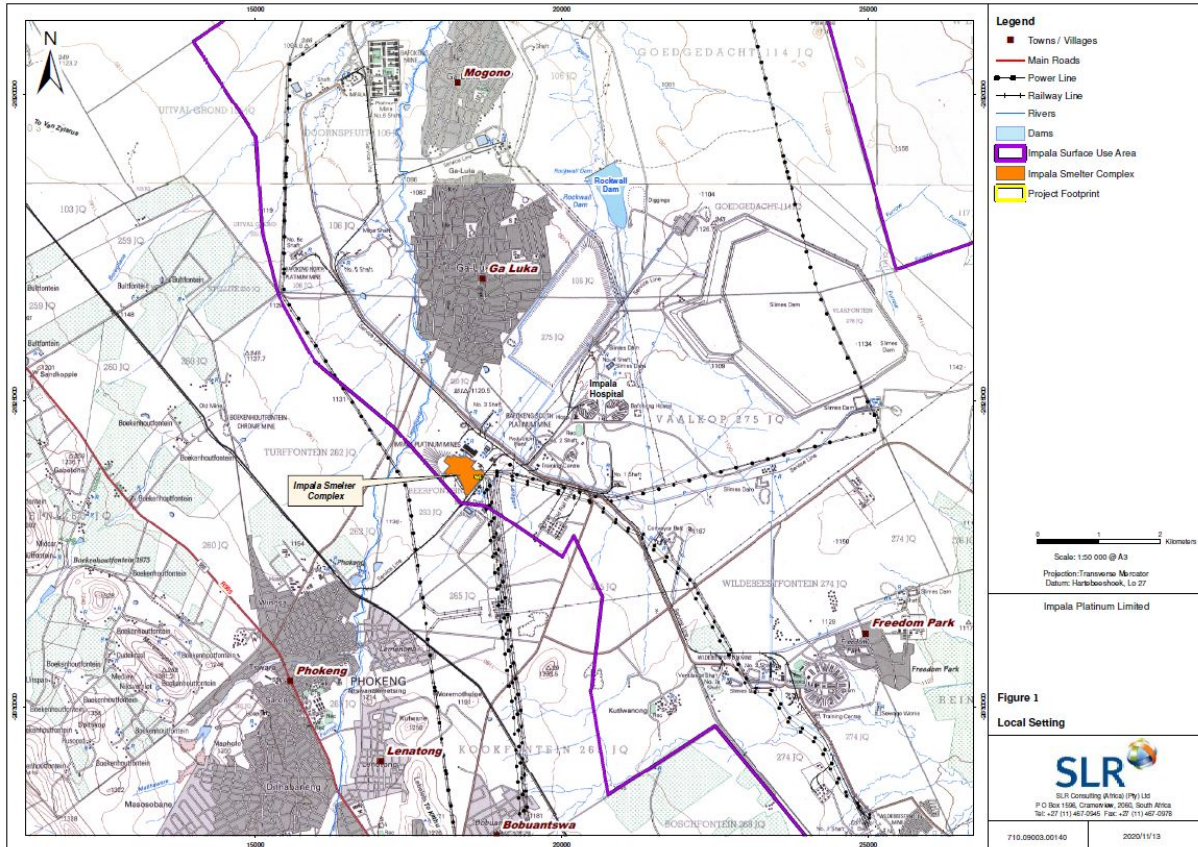


Figure 1 – Locality and position of the propose development area

4. Evaluation of the proposed project

We have evaluated the proposed project and its surroundings, and the following findings pertain:

- (i) The project footprint is situated within the existing Smelter Complex and as such is located in an already disturbed area (see **Figure 2**);
- (ii) The area was transformed between 1965 and 1968 to the current status of mining (**Figure 3**);
- (iii) The proposed activity will be the installation of new infrastructure in an area already utilise for Impala's smelting operations.

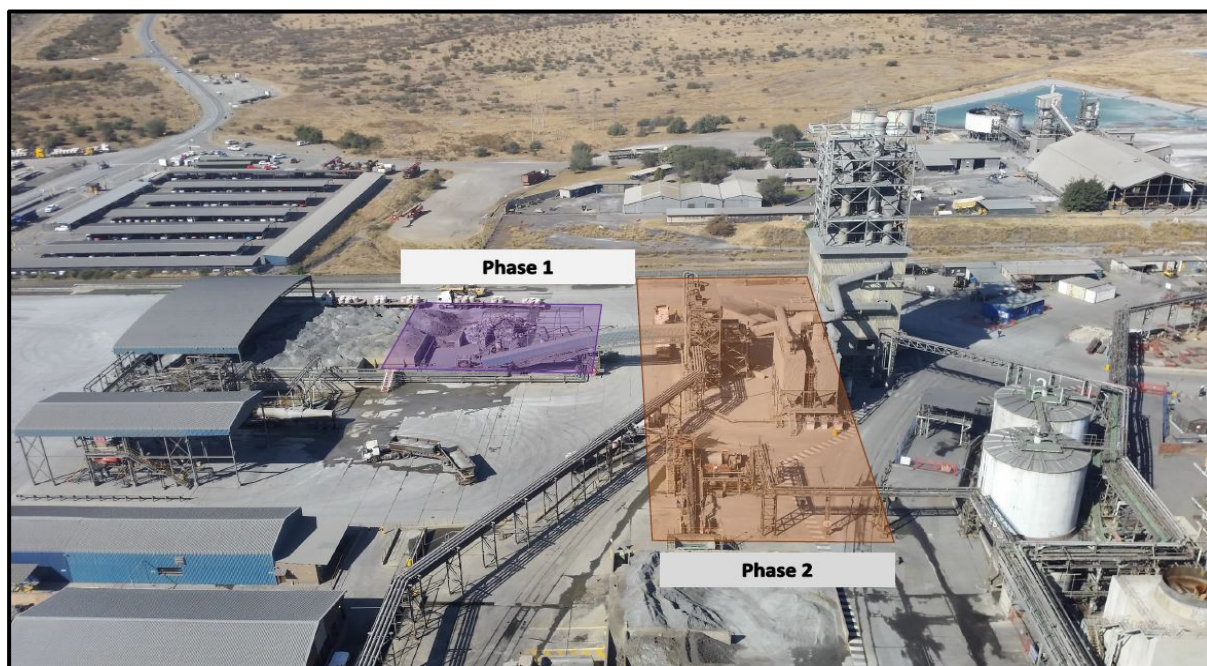
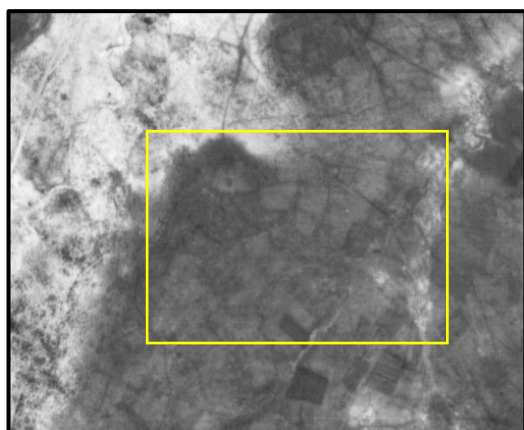


Figure 2 – View of proposed footprint areas



1965 aerial photograph



1968 aerial photograph

Figure 3 – Historic photographs of study area

5. Assumptions and limitation

PGS' evaluation of the site and impacts are based on the information and site photos supplied by SLR. The subterranean nature of some archaeological sites does not exclude the presence of such features from the area. As such, should any heritage features and/or objects not included in the present inventory be located or observed, a heritage specialist must immediately be contacted.

Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist has been able to make an assessment as to the significance of the site (or material) in question. This applies to graves and cemeteries as well. In the event that any graves or burial places are located during the project implementation, the procedures and requirements pertaining to graves and burials will apply as set out below.

6. Conclusion

It is our considered opinion that in in light of the fact that :

- the project footprint is already disturbed and utilised for Impala's smelting operations and as such the proposed project will not alter the character of the site;
- no buildings older than 60 years are located within the proposed project footprint that will need to be altered or demolished; and
- it is highly unlikely that heritage resources will be present in the project footprint.

We support the submission of SLR that in accordance with s38(2) of the NHRA the need for an HIA for the project is exempted and so be considered.



Wouter Fourie

Accredited Professional Heritage Specialist (APHP), Professional. Accredited Archaeologist (ASAPA)

PGS Heritage Pty Ltd

Declaration of Independence

I, Wouter Fourie, declare that –

General declaration:

- I act as the independent professional heritage specialist and archaeologist in this application
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting heritage impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in section 38 of the NHRA when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not
- All the particulars furnished by me in this form are true and correct;
- I will perform all other obligations as expected from a heritage practitioner in terms of the Act and the constitutions of my affiliated professional bodies; and
- I realise that a false declaration is an offence in terms of regulation 71 of the Regulations and is punishable in terms of section 24F of the NEMA.

Disclosure of Vested Interest

I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;

HERITAGE CONSULTANT:

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SIGNATURE:

