



## mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X33, Welkom, 9460, Tel: 057 391 1356, Fax: 057 357 6003  
The Strip Building, 314 Stateway Street, Welkom, 9459

**Enquiries:** Mrs.B.S. Mthombeni Ref: FS 30/5/1/3/3/2/1 (10224) EM

**E-Mail Address:** [Sibongile.Mthombeni@dmr.gov.za](mailto:Sibongile.Mthombeni@dmr.gov.za)

**Sub-Directorate:** Mine Environmental Management

**BY REGISTERED MAIL**

**The Directors**

**Pitso 7Star Sand en Klip (Pty) Ltd**

**13 Van Reenen Street**

**Kroon Heuvel**

**Kroonstad**

**9599**

**Attention: Mr. S.S. Pitso**

**Fax no: 072 059 0605**

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA), AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED; FOR MINING SAND IN RESPECT OF A PORTION OF THE FARM OF THE FARM BOSPOORT 558, SITUATED WITHIN THE MAGISTERIAL DISTRICT OF KROONSTAD IN THE FREE STATE REGION. APPLICANT: PITSO 7 STAR SAND EN KLIP (PTY) LTD.**

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of the National Environmental

Management Act, 1998 (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of an appeal must be provided for in terms of the National Appeal Regulations of 2014.

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

**Appeal must be submitted in writing to the Department of Environmental Affairs**

Attention : Mr. Z. Hassam, Director: Appeals and legal Review  
Email : [appeals@environment.gov.za](mailto:appeals@environment.gov.za)  
Tel : (012) 399 9356  
By post : Private Bag X447, Pretoria, 0001  
By hand : Environmental House, (473 Steve Biko) Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

**Copy of the lodged appeal to the Department of Mineral Resources**

Attention : Regional Manager: Free State Region  
By facsimile : 057 357 6003  
E-mail : [Mamokete.Mpatane@dmr.gov.za](mailto:Mamokete.Mpatane@dmr.gov.za)  
By post : Private Bag X33, Welkom, 9460  
By hand : The Strip Building, 314 Stateway Street, Welkom, 9459

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

Kind Regards

A handwritten signature in black ink, consisting of the initials 'MA' circled in a loop, followed by a series of connected loops and a final flourish that resembles the letters 'Mulaudzi'.

A. MULAUDZI

REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGION

DATE: 19/04/2018



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Mineral Resources  
REPUBLIC OF SOUTH AFRICA

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Private Bag X33, Welkom, 9460, Tel: 057 391 1356, Fax: 057 357 6003

The Strip Building, 314 Stateway Street, Welkom, 9459

**Reference number:** FS 30/5/1/3/3/2/1 (10224) EM  
**Last amended:** First Issue  
**Holder of Authorisation:** Pitso 7Star Sand en Klip (Pty) Ltd  
**Location of activity:** A portion of the remainder of the farm Bospoort 558

## DECISION

### ACRONYMS

**NEMA:** The National Environmental Management Act, 1998 (Act 107 of 1998), as amended  
**DEPARTMENT:** Department of Mineral Resources  
**EA:** Environmental Authorisation  
**IEA** Integrated Environmental Authorisation  
**EMPr:** Environmental Management Programme  
**BAR:** Basic Assessment Report  
**S&EIR:** Scoping and Environmental Impact Report  
**I&AP:** Interested and Affected Parties  
**ECO:** Environmental Control Officer  
**SAHRA:** South African Heritage Resources Agency  
**EIA REGULATIONS:** EIA Regulations, 2014

**MPRDA:** Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended  
**NEM: WA:** National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended  
**NWA:** National Water Act, 1998 (Act 36 of 1998) as amended  
**EIA:** Environmental Impact Assessment.

**FINANCIAL PROVISIONING REGULATIONS:** The National Environmental Management Act, 1998 (Act 107 of 1998), Regulations pertaining to the Financial Provision for prospecting, Exploration, mining or Production operations

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activity specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure “1”** and **“2”** of this environmental authorisation.

#### **ACTIVITY APPLIED FOR**

By virtue of the powers conferred on it by NEMA, the Department hereby Grants an EA to **Pitso 7Star Sand en Klip (Pty) Ltd** with the following contact details –

**The Directors**  
**Pitso 7Star Sand en Klip (Pty) Ltd**  
**13 Van Reenen Street**  
**Kroon Heuvel**  
**Kroonstad**  
**9599**

**Contact person:** Mr. S.S Pitso  
**Tel:** 072 059 0605  
**Fax:** 086 503 5494  
**E-mail:** [admin@7ster.co.za](mailto:admin@7ster.co.za)

to undertake the following activity listed in the EIA Regulations.

**NEMA: LISTED ACTIVITIES:**

**Listed in the EIA Regulations GNR.327 of 2014 as amended.**

**Activity 21 of Listing notice 1** - "Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including —

- (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or
- (b) 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 Listing Notice 2 applies.

**Detailed specifications of the activity are as follows:**

<b>Proposed prospecting activities details are as follows:</b>
Area under application- 4.9554 ha
<b>Establishment phase:</b> <ul style="list-style-type: none"><li>• Vegetation clearance;</li></ul>

- Stripping of topsoil and stockpiling;
- Installation of mobile toilet;
- Road clearing;
- Diesel storage;
- Ablution facility; and
- Office block.

#### **Operational Phase:**

The following equipment will be used:

- Excavators;
- Vibrating screens;
- Conveyors;
- Front end loaders; and
- Processing plant.

#### **Mining operation:**

- Aggregate will be mined through opencast excavation;
- Feed the aggregate by a front end loader into the screening plant;
- Sand will be stockpiled on the stockpile area; and
- Sand will be loaded on trucks to clients.

#### **Rehabilitation phase:**

- Concurrent rehabilitation will be conducted;
- Topsoil that has been cleared for mining purposes will be stockpiled and used as cover material during rehabilitation.

#### **Coordinates:**

Latitude	Longitude
A -27.104302	27.603586
B -27.104491	27.603730
C -27.104427	27.603982
D -27.102312	27.605067
E -27.101819	27.605855
F -27.101298	27.606542
G -27.100969	27.606646
H -27.100647	27.605992
I -27.100548	27.605485
J -27.100569	27.604950
K -27.100697	27.604735
L -27.101247	27.604336
M -27.101468	27.604203
N -27.102307	27.604132
O -27.102822	27.603886
P -27.102917	27.603872
Q -27.103696	27.603750

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions). The EMPr attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the mining operation.

#### **EA SITE SPECIFIC CONDITIONS**

1. Indigenous animals and birds that are found in the area must not be harmed and must be protected as far as it is practicable.



2. The topography of the site should be re-instated as far as possible, spoil and tailings resulting from the mining operations should be returned to excavations in order to re-instate the topography of the site.
3. Any additional soil material not utilised during operation must be stockpiled in the stockpile area.
4. The stockpiles (including barrier berms) must be placed and maintained in a neat, orderly state, they must not exceed 2.5 m in height, and they must be convex at the top to promote run-off.

## **ANNEXURE 1: REASONS FOR THE DECISION**

### **1. Background**

**Pitso 7Star Sand en Klip (Pty) Ltd** submitted an application for an EA for an activity listed in the EIA Regulations as:

**Listed in the EIA Regulations GNR. 327 of 2014 as amended.**

**Activity 21 of Listing Notice 1** - Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including —

- (c) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or
- (d) 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 Listing Notice 2 applies.

**Pitso 7Star Sand en Klip (Pty) Ltd** appointed **Lindie Wiehahn of LW Consultants** to undertake the Basic Assessment process as required by Regulation 19 of the EIA Regulations.

## **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 form received by the Department on 20<sup>th</sup> of July 2017;
- b) The information contained in the BAR & EMPr received by the Department on the ;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations ;
- d) Public Participation Process (PPP) attached in the BAR and EMPr.
- e) The consultation letter dated 08<sup>th</sup> of August 2017 and the acceptance letter of an application received from the Mineral Law Administration section of the Free State Free State regional office of the Department dated the 04<sup>th</sup> of August 2017;
- f) Relevant information contained in the Departmental information database, including, the Department's circular on the One Environmental Management System dated 8<sup>th</sup> of December 2014;
- g) The environmental impact/ risk assessment and management report included in the BAR & EMPr as appendix 6.
- h) The sense of balance of the negative and positive impacts and mitigation measures;
- i) The Environmental Emergency Procedure Report included in the BAR and EMPr,
- j) The Environmental Awareness Plan Report included to the BAR and FMPr,
- k) The applicant has determined the financial provision as required in terms of the Financial Provisioning Regulations, 2015. Moreover, an amount of **R 98, 911.42** was proposed and calculated to be the environmental liability associated with this EA. This amount is

deemed sufficient to cater for the purposes set in regulation 2 of the Financial Provisioning Regulations and must be made available before commencement of any activities on site.

### 3. Key factors considered in making the decision

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

- a) A sufficient PPP was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations for public involvement;
- b) The environmental impacts associated with the activity will be addressed by the implementation of mitigation measures outlined on the BAR & EMPr compiled Ms. Lindie Wiehahn of LW Consultants and submitted to the Department on 05<sup>th</sup> of March 2018;
- c) The Environmental Awareness Plan Report contained in the BAR and EMPr submitted to the Department on 05<sup>th</sup> of March 2018; compiled by Ms. Lindie Wiehahn of LW Consultants is in support of mining activities;

### 4. Findings

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

- a) The potential impacts on the site were clearly investigated and mitigation measures were also outlined.
- b) The PPP complied with Chapter 6 of the EIA Regulations R 326. The PPP included, *inter-alia*, the following:
  - Identification of and engagement (public meeting) with I&APs;
  - Fixing a notice board at the site and any alternative site where the listed activity is to be undertaken;

- Giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activity is to be undertaken, the municipality, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity;
- The placing of a newspaper re-advertisement on Kroonnuus on the 06<sup>th</sup> of February 2018;

## **ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS**

### **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 the 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 is deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activity (ies), which is/are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holder of the EA contact details change including name of the responsible person, physical or 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 EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

## **2 APPEAL OF AUTHORISATION**

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

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 Departmental Standard Conditions in Annexure 2.

2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the NEMA: National Appeals Regulations,

2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

2.5 Provide the registered I&APs with:

2.5.1 Name of the holder (entity) of this EA

2.5.2 Name of the responsible person for this EA

2.5.3 Postal address of the holder;

2.5.4 Telephonic and fax details of the holder and

2.5.5 E-mail address of the holder if any.

## **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 The fence of the development must be erected first in order to prevent the construction activities from encroaching into the open space, minimises disturbance and for health issues.
- 3.3 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.4 Hauling routes for all vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.5 Appropriate notification sign must be erected at the mining area, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of heavy vehicles and machinery.
- 3.6 There will be no construction of mining related infrastructures onsite, except the installation of chemical toilets.
- 3.7 Vegetation clearance must be limited on areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.8 The holder of the EA must note that in terms of the National Forest Act, 1998 (Act No.84 of 1998) protected plant species, also listed in 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.
- 3.9 Topsoil and subsoil must be protected from contamination or pollution, stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.10 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.

- 3.11 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treatment, reuse and disposal where appropriate.
- 3.12 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the NWA, 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 project. It is the holder of EA 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.
- 3.13 Vehicles and machineries must be serviced and maintained in the manner whereby no excessive smokes are produced and 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 unusual noisy activities are planned.
- 3.15. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 Mixing of cement, concrete, paints, solvent, sealants and adhesive is prohibited because no construction is permitted onsite based on the proposed mining method.
- 3.17 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and (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 SAHRA. The Department must also be informed about such exposure in writing.

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 artefacts and bone remains; structures and other



built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 3.18 Care must be taken to ensure that the material and excavated soil required for rehabilitation is free of contamination from hydrocarbons.
- 3.19 Hydraulic fluid or chemicals required during mining 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 must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 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 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.