



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 54307, Durban, 4000,

333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban

Tel: (031) 335 9600,

Fax: (031) 305 5801,

Reference: KZN30/5/1/1/2/10876PR

Email: Mulalo.Kolani@dmre.gov.za

BY HAND

THE MANAGER

IDLANGA MINING (PTY) LTD

POSTNET SUITE 8

PRIVATE BAG X7260

1036

ATTENTION : Mr Q. Naicker
TEL NO : 083 630 4150
EMAIL : idlangam@gmail.com

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) 1998, AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR A PROSPECTING RIGHT FOR COAL ON PORTION 35 OF THE FARM RIETVLEI NO. 150 HU SITUATED IN MAGISTERIAL DISTRICT OF VRYHEID IN KWAZULU NATAL PROVINCE.

With reference to the abovementioned application, please be advised that the Department of Mineral Resources and Energy has decided to **grant** an environmental authorisation in terms of NEMA, 1998 as amended.

In terms of Regulation 15 of the NEMA EIA Regulations, 2014 an Environmental Assessment Practitioner (EAP) must identify a whether basic assessment or scoping & EIAR process must be applied to the application taking into account any notices published in terms of section 24D of the Act. As per the application form dated **18 January 2019**, the EAP (Geographical Information System and Environmental Consulting Services) has identified that a basic assessment process must be applied.

The following listed activities in GNR 327, December 2014 as amended were identified:

Activity No. 20.

Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) including: (a) associated infrastructure, structures and earthworks, directly related to prospecting 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.

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 (I&AP's), in writing within **14 (fourteen)** calendar days, from the date of the Department's decision in respect of your application. The relevant information regarding the lodgement of an appeal must be provided as per the provisions 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 Environment, Forestry and Fisheries and a copy of such appeal must also be submitted to the Department of Mineral Resources and Energy (KwaZulu Natal Regional Office), within **20 days** from the date of this notification. Such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Environment, Forestry and Fisheries:

Attention	Directorate Appeals and Legal Review
Email	appeals@environment.gov.za / MRakgogo@environment.gov.za
By post	Private Bag X 447 Pretoria 0001
By hand	: Environmental House 473 Steve Biko Road Arcadia.

Pretoria

0083

Copy of the lodged appeal to the Department of Mineral Resources and Energy:

Attention : Acting Regional Manager: KwaZulu Natal Region

By facsimile : (031) 305 5801

E-mail : siyabonga.vezi@dmre.gov.za

By post : Private Bag X54307
Durban
4000

By hand : 333 Anton Lembede Street
3rd Floor Durban Bay House
Durban
4000

In the event that you decide to appeal the decision, you must comply with the National Appeal Regulations of 2014 in relation to notification of all registered interested and affected parties. A copy of the official appeal form can be obtained from the Department of Environment, Forestry and Fisheries.

Yours Sincerely



ACTING REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL REGIONAL OFFICE

DATE: 16/02/2021

cc: Terisa Balmith, Tel: 071 452 8255, Email: terisa@ids-cc.co.za



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 54307, Durban, 4000, 333 Anton Lembede Street, 3rd Floor Durban Bay House, Durban Tel: (031) 335 9600

Fax : (031) 305 5801,

Reference: KZN30/5/1/1/2/10876PR,

Email: Mulalo.Kolani@dmre.gov.za

ENVIRONMENTAL AUTHORISATION

Reference number: KZN30/5/1/1/2/10876PR

Last amended: First issue.

Holder of environmental authorisation: Idlanga Mining (Pty) Ltd

Location of activity: Portion 35 of the Farm Rietvlei No. 150 HU situated in Magisterial District of Vryheid in KwaZulu Natal Province.

ACRONYMS

NEMA	National Environmental Management Act (Act 107 of 1998)
BAR	Basic Assessment Report
DEPARTMENT	Department of Mineral Resources and Energy.
EA	Environmental Authorisation
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan.
BAR	Basic Assessment Report
I&AP's	Interested and Affected Parties
MPRDA	Mineral and Petroleum Resources Development Act, (Act 28 of 2002), as amended
NEMPAA	National Environmental Management: Protected Areas Act (Act 57 of 2003)
PPE	Personnel protective equipment
Public Participation Process	PPP
SAHRA	South African Heritage Resource Agency.
SAPS	South Africa Police Service.

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this EA, that the applicant is authorised to undertake the **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this decision are set out in **Annexure "1"** of this EA.

ACTIVITY APPLIED FOR.

By virtue of the powers conferred on it by the provisions of NEMA, as amended, the Department hereby grants an EA to **Idlanga Mining (Pty) Ltd** with the following contact details:

BY HAND

**THE MANAGER
IDLANGA MINING (PTY) LTD
POSTNET SUITE 8
PRIVATE BAG X7260
1036**

**ATTENTION : Mr Q. Naicker
TEL NO : 083 630 4150
EMAIL : idlangam@gmail.com**

To undertake the following activities listed in the **EIA Regulations, GNR 327 of December 2014 as amended:**

Activity No. 20.

Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) including: (a) associated infrastructure, structures and earthworks, directly related to prospecting 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:

Proposed prospecting activity details are as follows:
Area to be prospected
121 hectares
Co-ordinates for the site
A. 27 45'3.09'S: 31 1'15.46' E B. 27 45'1.97'S: 31 1'6.24' E C. 27 45'59.89'S: 31 0'53.11' E D. 27 46'0.15'S: 31 1'0.35' E E. 27 45'55.24'S: 31 1'16.88' E F. 27 46'1.35'S: 31 1'29.87' E G. 27 46'3.20'S: 31 1'59.47' E H. 27 45'50.55'S: 31 2'6.59' E I. 27 45'35.92'S: 31 2'8.40' E J. 27 45'29.00'S: 31 2'4.14' E
Proposed prospecting method are as follows:
Drilling: 10 boreholes were proposed.

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

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Idlanga Mining (Pty) Ltd submitted an application for an EA for the following activities listed in the NEMA EIA Regulations 2014: Activity 20 of GNR 327, December 2014 as amended.

Government Notice No. 327 of EIA Regulations: 2014 as amended:

Activity No. 20.

Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) including: (a) associated infrastructure, structures and earthworks, directly related to prospecting 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.

Geographical Information System and Environmental Consulting Services was appointed to undertake the basic assessment process as required by Regulation 19 of the EIA Regulations, December 2014 as amended.

2. Information considered in making the decision

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

- The information contained in the application form dated 18 January 2019
- The information contained in the final BAR, received by this Department on 02 September 2019
- The information contained in the amended BAR received by this Department on 28 February 2020, 30 September 2020 and 03 November 2020.
- The objectives and the requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014 as amended.
- The Heritage Impact Assessment conducted by J.A van Schalkwyk dated June 2020 and attached in the amended Basic Assessment Report (BAR) as Appendix E1.
- The Palaeontological Impact Assessment conducted by Prof Marion Bamford dated 27 August 2019 and attached in the amended Basic Assessment Report (BAR) as Appendix E2.
- The findings of the Pre-Authorisation inspection conducted by Ms M. Kolani of this Department with Mrs V. Nkosi (Consultant) on 29 November 2019. (See folio 05 on file).
- Sufficient public participation process (PPP) conducted by Geographical Information System and Environmental Consulting Services attached on the last pages of the amended BAR.

3. Findings

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

- 3.1. The process that has been followed is in compliance with the provisions of NEMA and the associated EIA Regulations of 2014 as amended.
- 3.2. Sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 for public involvement. Proof of public participation process attached in the third amended Basic Assessment Report (BAR) include the following:
 - Proof of site notices were placed at the project site and proof is attached as appendix D 1.3 & 1.4 of the amended Basic Assessment Report (BAR).
 - Proof of background Information document (BID) is attached as Appendix D2 of the amended Basic Assessment report (BAR).
 - An advertisement was placed in Vryheid Herald local newspaper on 07 June 2019 and proof is attached as Appendix D3 of the amended Basic Assessment Report (BAR).
 - Proof of register of all interested and affected parties consulted during public participation process is attached as Appendix D4 of the amended Basic Assessment Report (BAR).
 - Proof of consultations with organs of state is attached as Appendix D5 of the amended Basic Assessment Report (BAR).
 - Proof of the minutes of the meeting and attendance register with Emhlangeni community is attached as Appendix D6 of the amended Basic Assessment Report (BAR).
 - Proof of consent letter with the landowner is attached as Appendix F2 of the amended Basic Assessment Report (BAR).
 - Proof of landowner title deeds is attached as Appendix F3 of the amended Basic Assessment Report. (BAR).
- 3.3. The baseline information contained in the amended BAR provided an adequate description of the site and impacts of the drilling operation on the environment.
- 3.4. The environmental impacts associated with the proposed prospecting activities will be addressed by the proposed mitigation measures outlined in the amended Basic Assessment Report (BAR) compiled by Geographical Information Systems and Environmental Consulting Services.

- 3.5. The Heritage Impact Assessment conducted by J.A van Schalkwyk dated June 2020 and attached in the amended Basic Assessment Report (BAR) as Appendix E1.
- 3.6. The Palaeontological Impact Assessment conducted by Prof Marion Bamford dated 27 August 2019 and attached in the amended Basic Assessment Report (BAR) as Appendix E2.
- 3.7. The findings of the Pre-Authorisation inspection conducted by Ms M. Kolani of this Department with Mrs V. Nkosi (Consultant) dated 29 November 2019.
- 3.8. The applicant lodged an amount of **R 57, 259.25** for rehabilitation purpose in the form of cash deposit. Proof of payment is attached in the project file as folio 24.

ANNEXURE 2: DEPARTMENTAL CONDITIONS.

1. SCOPE OF AUTHORISATION

- 1.1. The holder of 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 the EA.
- 1.2. Any changes to, or deviation from the project description set out in the amended BAR 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 is deemed necessary to evaluate the significance and impacts of such changes or deviation. It may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations applicable at the time of the amendment.
- 1.3. The activities, which are authorised, may only be carried out at the property indicated in this EA and or on the approved EMPr.
- 1.4. This EA is only applicable to the activities as described on page 7 of this EA. Only the activities as listed on page 7 are to be conducted on site.

- 1.5. Where any of the contact details of the holder of the EA change, including the name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department within 14 (fourteen) calendar days.
- 1.6. 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 activities.
- 1.7. The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.8. The holder of EA must note that in terms of the National Forest Act (Act No.84 of 1998) protected plant species 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.
- 1.9. 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.
- 1.10. 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).
- 1.11. This EA will only be effective in the event that a corresponding Prospecting Right is issued in terms of the MPRDA (as amended) and none of the activities listed in this EA may commence without the corresponding Prospecting Right.
- 1.12. Should there be any conflicting conditions between this EA and other approval granted by other authorities, the responsibility rests with the holder of EA to bring it to the attention of the Department for resolution.
- 1.13. Non-compliance with any condition of this EA and approved 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.

- 1.14. The holder is reminded that in terms of section 49(A) (1) (c) of NEMA, 1998, as amended, a person is guilty of an offence if that person fails to comply with or contravenes a conditions of an EA.
- 1.15. A person convicted of an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 (ten) years, or to both such fine and such imprisonment.

2. APPEAL OF EA

- 2.1. In accordance with Regulation 4(2) of the NEMA EIA Regulation, GNR 982, December 2014, within 14 (fourteen) calendar days from the date of this decision the holder of the EA must notify all registered I&APs in writing of the following:
 - 2.1.1. The outcome of the application;
 - 2.1.2. The date of the decision;
 - 2.1.3. The date of issue of the decision;
 - 2.1.4. The reasons for the decision as included in Annexure 1 and Departmental Conditions in Annexure 2;
 - 2.1.5. That an appeal may be lodged against the decision in terms of the National Appeals Regulations.
 - 2.1.6. The manner in which registered I&AP's may access the decision.
- 2.2. In addition to point 2.1 the holder of the EA must also provide the registered I&APs with:
 - 2.2.1. Name of the holder (entity) of this EA;
 - 2.2.2. Name of the responsible person for this EA;
 - 2.2.3. Postal address of the holder;
 - 2.2.4. Telephonic and fax details of the holder and
 - 2.2.5. E-mail address of the holder if available.
- 2.3. Please take note that in terms of Section 43(7) of NEMA, 1998, as amended, an appeal suspends an EA. Therefore, you may not commence with the drilling operation until such time that the Minister allows you in writing, to start.

3. MANAGEMENT OF ACTIVITIES

- 3.1 The EMPr submitted as part of the amended BAR is hereby **approved** and all mitigation measures outlined in the amended BAR & EMPr must be adhered to throughout the life cycle of the operation.

- 3.2 As described on page 7 of this EA, only listed activities that are approved is to be conducted.
- 3.3 Any additional or new activities not specified in the amended BAR and not approved as part of this EA must be applied for by the holder and authorised by the competent authority prior to the commencement of these activities.
- 3.4 A copy of the EA and approved EMPr must be kept at the property or at the site office where the activities will be undertaken. The EA and approved EMPr must be produced to any authorised official 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.
- 3.5 The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and any other people working on the site, and in the event of the need to update or amend the EMPr these must be submitted to the Department for approval.
- 3.6 The holder of the EA must ensure that all non-recyclable wastes are disposed of at waste management facilities licenced to handle such wastes and also ensure that all recyclable wastes are collected by licenced waste management facilities for recycling, reuse or treatment.
- 3.7. A buffer zone of 100 metres between the activity (ies) and any residential area, railways lines, watercourse, cemeteries or burial grounds must be clearly demarcated and maintained.
- 3.8. Any rehabilitation of disturbed surfaces caused by drilling operation must comply with the approved EMPr.
- 3.9. The footprint of the activities must be limited to the areas authorised. All areas outside of the footprint must be regarded as a "no go" areas.
- 3.10. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled and clearly demarcated.
- 3.11. Erosion and soil loss must be prevented by minimizing the size of the area exposed to surface water run-off. Where necessary erosion stabilizing measures such as berms and re-vegetation must be implemented to prevent further environmental degradation.

- 3.12. A system must be established prior to the commencement of prospecting activities to record complaints and concerns received from I &AP's throughout the lifespan of the prospecting operation. All complaints and concerns received must be reduced to writing and recorded in this system within a complaint register.
- 3.13. A response to the complaints/concerns which must detail how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints must be given to the complainant within seven (07) working days from the date of receipt. Should no resolution be reached the parties must contact the Department within five (05) days.
- 3.14. A report on each complaint must be forwarded to the Department within 30 (thirty) calendar days of receipt of the complaint. The report must include all relevant details of the complaint, complainant and how the complaint was resolved.
4. **ENVIRONMENTAL CONTROL OFFICER.**
- 4.1 The holder of the EA must appoint an independent, experienced and suitably qualified ECO to ensure compliance with the conditions contained in this EA and approved EMPr.
- 4.2 The holder of EA must ensure that the name and contact details of the ECO is submitted to this Department within 30 (thirty) calendar days of commencement of the drilling operation.
- 4.3 The ECO must:
- 4.3.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material.
- 4.3.2. 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.
- 4.3.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
- 4.3.4. Keep copies of all environmental reports submitted to the Department.
- 4.3.5. Keep the records of all permits, licences and authorisations required by the operation.
- 4.3.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.4 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.

- 4.5 Should the details of the ECO change at any time, the details of the newly appointed ECO must be sent to the Department within 14 (fourteen) calendar days of the changeover.

5. COMMENCEMENT OF THE ACTIVITIES

- 5.1. This EA will only be effective on the event that a corresponding Prospecting Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a Prospecting Right.
- 5.2. The following conditions must apply to dust generation on site:
- Dust suppression must be carried out on a daily basis on the access road and prospecting areas before it becomes a nuisance dust.
 - Vehicle speed limits must be reduced to 40km/hr. to reduce the amount of dust generated along the access road and from the site.
 - Prospecting activities must cease during extreme windy conditions to avoid excessive dust on the access road.
- 5.3. The following conditions must apply to petrochemical spillages on site
- All vehicle and equipment shall be kept in good working condition and must be service regularly and stored in a bunded area to avoid surface and underground contamination.
 - Oil and fuel leaking equipment shall be repaired immediately or removed on site to prevent spillages
 - Drip trays must be provided on site in case of the emergency spillages
- 5.4. The following conditions must apply to storm water management on site.
- Stormwater must be managed throughout the lifespan of the prospecting operation.
 - A suitable stormwater drainage system and containment must be implemented to prevent ponding, soil and silt erosion.
 - Measures must be implemented to effectively contain and treat any stormwater contaminated with silt, soil or any other substances in order to protect the estuarine environment.
 - Areas affected by prospecting related activities must be monitored regularly for evidence of erosion which include areas stripped of topsoil.

- 5.5. The following conditions must apply to waste management on site and must be adhered to:
- Waste must be stored, transported and disposed of at a registered waste disposal site.
 - Waste handling and storage areas must be restricted to a designated waste handling area.
 - Waste bins must be labelled and securely placed to avoid waste overflow.
- 5.6. No drill site must be positioned within 100m of a water course or wetland.
- 5.7. In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 5.8. This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 5.9. Appropriate notification sign must be erected at the drilling site, warning the public (residents, visitors etc.) about the hazard around the drilling site and presence of heavy vehicles and machinery.
- 5.10. Drilling operation 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.
- 5.11. Vegetation clearance must be limited on areas where the individual activity (ies) will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 5.12. The holder of EA must note that in terms of the National Forest Act, 1998 (Act No.84 of 1998) protected plant species 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.

- 5.13. 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 this Department and Department of Human Settlements, 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.
- 5.14. 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. 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.
- 5.15. 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.
- 5.16. Prospecting vehicles must be serviced and maintained in the manner whereby no excessive smokes 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.
- 5.17. Residents (if any) on the property (ies) and surrounding areas must be informed if any unusual noisy activities are planned.
- 5.18. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 5.19. Should any heritage remains be exposed during prospecting activities or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and AMAFA - KZN (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 AMAFA – KZN.

- 5.20. 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.
- 5.21. Hydraulic fluid or chemicals required during drilling 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 Human Settlements, Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 5.22. 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.
- 5.23. 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 Human Settlements, Water and Sanitation prior to the commencement of such activity (ies).
- 5.24. 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.
- 5.25. The holder of EA must ensure that rehabilitation of the disturbed areas caused by drilling operation at all times comply with the approved EMP.
- 5.26. 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.

- 5.27. 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 licence is issued in respect of that activity if licence is required.
- 5.28. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 5.29. The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 5.30. 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.
- 5.31. 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.
- 5.32. Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed prospecting activities, the EA is valid for the period for which the aforesaid prospecting right is granted provided that these activities must commence within 05 years. If the commencement of the proposed activities 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.
- 5.33. The listed activities, 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 decided.

- 5.34. Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

6. SITE SECURITY, ACCESS AND ACCESS CONTROL

- 6.1. The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2. Durable and legible notices in at least three official languages applicable in the area must be displayed at each entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the prospecting operation of the site.

7. REPORTING TO THE DEPARTMENT

- 7.1 The holder of EA must:
- 7.1.1. Submit an Environmental Audit Report to this Department as per Regulation 34 of NEMA EIA Regulations, 2014 as amended.
- 7.1.2. Such report must be done by a qualified independent person with the relevant environmental auditing expertise.
- 7.1.3. The audit report must specify whether conditions of this EA and approved EMPr were and are adhered to;
- 7.1.4. Identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
- 7.1.5. Identify shortcomings in the approved EMP, if applicable;
- 7.1.6. Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the approved EMP;
- 7.1.7. If applicable, specify whether the corrective action/s taken for the previous audit's non-conformities, were adequate;
- 7.1.8. Specify the name of the auditor and expertise; and
- 7.1.9. Be submitted by the holder to the competent authority within 30 (thirty) calendar days from the date on which the auditor finalised the audit.

- 7.2 Should any shortcomings be identified, in terms of Regulation 34 (4) of the NEMA EIA Regulations, 2014, the holder must submit recommendations to amend the EMPr in order to rectify the insufficient mitigation measures or unmitigated impacts.
- 7.3 All complaints received from I&AP's during any of the phases of the operation must be attended to within 05 (five) working days and addressed to the satisfaction of all concerned. All complaints must be recorded and a report must be forwarded to the competent authority with all relevant details of the complaint, complainant and how the complaint was resolved within 30 (thirty) calendar days of receipt of the complaint.
- 7.4 The holder of the EA must annually assess and upgrade (if applicable) the environmental liabilities of the operation in line with the Regulations pertaining to Financial Provision for Prospecting Operations, GNR 1147, November 2015.
- 7.5 In terms of Section 18(1) it is an offence if the holder of the EA fails to comply with review, assessment and adjustment of financial provision. If convicted of an offence, condition 1.15 as contained in this EA is applicable.
- 7.6 The holder of the EA must, within 24 (twenty-four) hours of incidents, as defined in NEMA, 1998, as amended, occurring, notify this Department of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, has caused or may cause pollution of the environment, health risks, nuisance conditions or water pollution.

8. EMERGENCY PREPAREDNESS PLAN

- 8.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it biennially when conducting the audit and after each emergency and or major accident. The plan must, amongst others, include:
- 8.1.1. Site Fires
 - 8.1.2. Spillages
 - 8.1.3. Industrial action
 - 8.1.4. Contact details of police, ambulances and any emergency centres closest to the site.

- 8.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the Department.

9. INVESTIGATIONS

- 9.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or are occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 9.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. If applicable, such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 9.3 Investigations carried out in terms of conditions 9.1 and 9.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

10. SITE CLOSURE.

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43(3) of the MPRDA, 2002, as amended within 180 days of the occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of MPRDA, 2002, as amended.
- 10.3 Only indigenous plants can be utilized for rehabilitation purposes.
- 10.4 The holder of the EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual or latent, health or environmental impacts.

11. **NEMA PRINCIPLES.**

- 11.1 The principles set out in Section 2 in Chapter 1 of NEMA, 1998, as amended must be applied to this prospecting operation and any matter relating to this operation; and must serve as a guideline for the interpretation, administration and implementation of all environmental requirements.
- 11.2 This prospecting operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into the planning and implementation of this prospecting operation in order to ensure that the exploitation of mineral resources serves present and future generations.
- 11.3 The holder of this EA must at all times give effect to the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and must,
- 11.4 Manage all environmental impacts as an integral part of the prospecting operation and must as far as it is reasonably practicable; rehabilitate the environment affected by the prospecting operations to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development.
- 11.5 The holder of the EA is responsible for any environmental damage, pollution or ecological degradation as a result of his or her prospecting operations and which may occur inside and outside the boundaries of the area to which this EA relates


12. **DISCLAIMER**

The Department 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.

13. **DECISION TAKEN**

In view of the amended BAR and management and mitigation measures proposed in the EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. The EA is accordingly granted.

Yours Sincerely

A handwritten signature in black ink, consisting of a circular scribble followed by a horizontal line extending to the right.

ACTING REGIONAL MANAGER: MINERAL REGULATION

KWAZULU NATAL REGIONAL OFFICE

DATE: 16/02/2021