



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
9th floor Atterbury House, 9 Cnr Riebeeck and Lower Burg Street, Cape Town, 8001

Enquiries: Mr. BP Mohasoa Email Address: Peter.Mohasoa@dmr.gov.za
Ref: WC30/5/1/3/2/10223 MP
Sub-Directorate: Mine Environmental Management

The Directors
Blou Berg Eiendomme (Pty) Ltd
P.O Box 224
Ladysmith
6655

Attention : Jaco Hunlun
Cell : 073 519 0330
Email : Admin2@joostelaw.co.za
jghunlun@wispemet.co.za

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED FOR MINING PERMIT APPLICATION IN RESPECT OF SAND MINING ACTIVITIES ON A PORTION OF PORTION 5 (A PORTION OF PORTION 2 WATERVAL) OF THE FARM BEZEM FONTEIN 213, SITUATED IN THE MAGISTERIAL DISTRICT OF CENTRAL KAROO: WESTERN CAPE REGION.

With reference to the above mentioned application, please be advised that the Department has decided to grant environmental authorisation in terms of the National Environmental Management Act (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 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 (Western Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

Appeal to the Department of Environmental Affairs

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

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : Pieter.Swart@dmre.gov.za
By post : Private Bag X 09, Roggebaai, 8012
By hand : 9th floor Atterbury House, 9 Riebeeck Street, Cape Town, 8001

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

Kind Regards


REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE

DATE: 27/9/2020



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9, Rogge Bay, 8012, Tel: 021 427 1000, Fax: 021 427 1046
9th floor Atterbury House, 9 Cnr Riebeeck and Lower Burg Street, Cape Town, 8001

Environmental Authorisation in terms of

The National Environmental Management Act, 1998 (Act 107 of 1998) as amended
("NEMA") and the 2014 EIA Regulations as amended

Sand Mining Activities
Magisterial District of Central Karoo
Western Cape Province

Reference number:	WC30/5/1/3/2/10223 MP
Last amended:	First issue
Holder of authorisation:	Blou Berg Eiendomme (Pty) Ltd
Location of activities:	A Portion of Portion 5 (A Portion of Portion 2 Waterval) of the Farm Bezem Fontein 213, situated in the Magisterial District of Central Karoo.

DECISION

ACRONYMS	
BAR:	Basic Assessment Report
DEPARTMENT:	Department of Mineral Resources
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIA REGULATIONS:	EIA Regulations, 2014 as amended
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

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 activities 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 of Mineral Resources hereby Grants an Environmental Authorisation (EA) to Blou Berg Eiendomme (Pty) Ltd with the following contact details –

Blou Berg Eiendomme (Pty) Ltd
P.O Box 224
Ladysmith
6655

Attention : Jaco Hunlun
Cell : 073 519 0330
Email : Admin2@joostelaw.co.za
jghunlun@wispemet.co.za

to undertake the following activities listed in the NEMA:EIA Regulations:

LISTED ACTIVITIES AUTHORISED:

Listed Activities	Activity and/or project description
<p>Activity 21 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>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 —</p>	<p>Mining activities will be conducted over an area of 4.99ha</p>

<p>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or</p> <p>(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.</p>	
<p>Activity 22 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>The decommissioning of any activity requiring –</p> <p>(i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</p> <p>(ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure; but excluding the decommissioning of an activity relating to the secondary processing of a –</p> <p>(a) mineral resource, including the smelting, beneficiation, reduction,</p>	<p>Mining activities will be conducted concurrent with rehabilitation and a closure certificate will be applied once mining is complete.</p>

<p>refining, calcining or gasification of the mineral resource; or</p> <p>(b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products;—in which case activity 31 in this Notice applies.</p>	
<p>Activity 27 of Government notice No. R 983 as amended by GN 327 of April 2017</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>A total of 4.99ha will be physically disturbed were the Sand material will be removed.</p>
<p>Activity 15 of Category A under the National Environmental Management: Waste Act 59 of 2008</p> <p>The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).</p>	<p>1225m² (35m x 35m block)</p>

Detailed description of the activity are as follows:

The holder is hereby authorised to undertake Sand mining activities including the above listed activities as it relates to the development as follows:

- Proposed development will include excavation of sand from the alluvial floodplain and construction of an access road to remove the product from the site.
- The stream will be excluded from mining operations.
- The aim of the mining activities will be to excavate and remove the accumulated sands between two streams.
- The soil is soft in nature and accumulated as loose soil. The soil will be excavated from the surface up to a depth of 0.6m – 1.2m and hence there is no need to form a bench.
- Mining method is based on opencast mining by semi mechanized system of removing loose soils using a temporary excavator and tippers/lorries.
- The product will be transported by trucks/tippers/lorries to the customers.
- On completion of the mining operations, the various surfaces, including access road, the excavation will finally be rehabilitated.

Site description and location:

The activities will be conducted on the Remainder of A Portion of Portion 5 (A Portion of Portion 2 Waterval) of the Farm Bezem Fontein 213, situated in the Magisterial District of Central Karoo:

ID	Latitude	Longitude
A	21.369466	-33.366048
B	21.371485	-33.365569
C	21.372511	-33.367377
D	21.370062	-33.368128

The SG codes for each farm portion: C04300000000021300005

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 the reports for the above development submitted as part of the application for an EA complies with Section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Mining activities must be conducted in accordance with the approved BAR/EMPr, attached site layout plan and recommendations of the specialist reports.
2. Excavation of sand should be restricted to the central embankment of alluvial sand, excluding the adjacent stream systems, treating these as no-go areas.
3. Depth of sand excavation should not exceed the level of the banks of these streams.
4. Permits must be obtained from the relevant authority for removal of protected plant species from the site.
5. A berm should be erected between the mining area and the stream systems in order to prevent sediments from entering them.
6. Adequate storm water management measures should be implemented and should include diverting storm – and floodwater around the mining area and preventing sediment and silt from entering the streams.
7. Visible semi-permanent markers must be placed on the mining boundary before mining activities commences and must be kept for the duration of mining.
8. Noise abatement devices must be installed on the project vehicles and machineries to be used on site and noise generated must comply with the Western Cape Noise Control Regulations.
9. Construction of workshop onsite is prohibited; however, if emergency maintenance is required, the company must ensure that no pollution occurs.
10. Construction of any permanent infrastructure and processing plant onsite is prohibited. Ablution facility should not be within 100m of the stream systems.
11. Storage of any hazardous material or waste is prohibited.



12. Crossing of streams as access road is prohibited. Access must be limited to an existing small dirt track which can be upgraded and accessing the site via the dam shore which is already an artificial and degraded area.
13. Mining activities must be conducted concurrently with rehabilitation and measures must be taken to ensure that the rehabilitated surface is protected from forces of erosion.
14. Alien vegetation control plan must be in place and implemented.
15. If any unexpected archaeological or paleontological material or evidence of burials is discovered during earth moving activities all works must be stopped and Heritage Western Cape (HWC) must be notified immediately by the on-site Environmental Control Officer.
16. Product material leaving the site must be covered with tarpaulin cloth during transportation to prevent blowing away by wind and causing pollution nuisance to other road users and the general public.



ANNEXURE 1: REASONS FOR THE DECISION

1. Key factors considered in making the decision

All the information presented to the Department was taken into account during 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.

- 1.1. The information contained in the application form received by the Department on 6th September 2019.
- 1.2. The objectives and requirements of the applicable and relevant legislation, frameworks and development plans, policies and guidelines, and the EIA Regulations.
- 1.3. The information contained in the BAR/EMPr including specialist reports received by the Department on 12th February 2020.
- 1.4. The environmental impacts associated with the proposed activity outlined in the BAR and proposed mitigation measures outlined in the EMPr prepared by an independent Environmental Assessment Practitioner Ms Roelien Oosthuizen from Wadala Mining and Consulting (Pty) Ltd.
- 1.5. Palaeontological Impact Assessment and Phase I of Heritage Impact Assessment prepared by Prof Marion Bamford and Mr Edward Matenga from Archeological and Heritage Services Africa (Pty) Ltd, respectively.
- 1.6. Ecological and Wetland Assessment prepared by Mr Darius van Rensburg from DPR Ecologists and Environmental Services.
- 1.7. Public Participation Process (PPP) report attached as Appendix 3 of the BAR/EMPr. This includes comments from competent authorities and Mine and Health Safety Inspectorate.
- 1.8. Outcomes of the site inspection conducted by the officials of this Department accompanied by the applicant on 13 August 2020 and the inspection report is in the file.

1.9. The Applicant has complied with Section 24P of the National Environmental Management Act, 1998 (Act 107 of 1998) and provided the financial provision for remediation of environmental damage.

2. Findings

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

- 2.1. The environmental impact assessment process identified and assessed all potential impacts on the subject property and surrounding environment. Where disturbance to the environment cannot be altogether avoided, adequate mitigation measures were proposed to minimize impacts. The Impact Significance Rating range from low – medium when proposed mitigation measures and site specific conditions are applied.
- 2.2. The environmental impact assessment process also identified positive impacts.
- 2.3. Specialist studies were conducted and provided substantial recommendations to avoid, minimize and remedy environmental impacts. These recommendations form part of site specific conditions.
- 2.4. The outcomes of site inspection conducted by the officials of this Department accompanied by the applicant on 13 August 2020 were as follows:
 - The proposed development meets the principles of sustainable development as described in section 2 of NEMA and the BAR/EMPr has sufficiently provided the description of the site and management measures.
- 2.5. Public Participation Process complied with Chapter 6 of the EIA Regulations. The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper Burger on 9th October 2019.
 - The landowner is also the applicant.



- Basic Assessment Document was also sent per registered post to all registered parties.
- Notices were placed at the Koop Produsente Cooperation and the Municipal offices as well on the fence of the farm.
- Registered letters were sent to all Government Departments and the Municipality on 30 October 2019.
- Proof of consultation and comments received from the Interested and Affected Parties are included in the BAR;
- Comments and issues raised by interested and affected parties were adequately addressed in the BAR; and
- The register/list of interested and affected parties was opened and is included in the BAR.



ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

- 1.1 The holder of the EA must 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 is deemed 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 as amended.
- 1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMPr.
- 1.4 When any of the holders 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 the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) 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 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 Copy of the lodged appeal must be addressed to the Department of Mineral Resources on the address given on Page 2 of the EA.

2.6 Provide the registered I&APs with:

2.6.1 Name of the holder (entity) of this EA;

2.6.2 Name of the responsible person for this EA;

2.6.3 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) and any employee without PPE must not be allowed on site.

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 mining vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of vehicles and machinery must be restricted to the approved mining area.
- 3.4 Appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of mining vehicles and machinery.
- 3.5 Vegetation clearance must be limited to the actual mining footprint in accordance to the approved layout plan, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.6 Topsoil stripped before mining must be protected from erosion, contamination and/or pollution and stockpiling of topsoil must not take place in the drainage lines or areas where it will impede water runoff.
- 3.7 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 designed for such waste 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.
- 3.8 An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the mining area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.
- 3.9 Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site and mining area.
- 3.10 The waste generated during mining activities must be stored in animal proof containers, and must be removed from site and disposed of at a registered disposal facility. Proof of



disposal at a registered disposal facility must be kept and produced to any official of this Department on request.

- 3.11** In terms of sections 28 and 30 of NEMA, 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.
- 3.12** Vehicles and machineries must be serviced and maintained in the manner whereby excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Servicing of machinery and vehicles must not take place on site.
- 3.13** Residents (if any) on the property and surrounding areas must be informed of any unusual noise activities in the mining area.
- 3.14** Dust suppression measures must be implemented on all exposed surface and access road to minimize and control airborne dust.
- 3.15** Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and/or Heritage Western Cape (HWC) (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 Heritage Western Cape (HWC).
- 3.16** Care must be taken to ensure that material and topsoil required for rehabilitation is free of contamination from hydrocarbons.
- 3.17** Refueling of machinery and construction vehicles must be done through a mobile bowser. Should any spills occur it must be cleaned immediately by removing spillage together with the polluted soil and dispose it at authorised disposal site permitted for the disposal 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 ground water resources.

- 3.18** 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. Proof of disposal must be kept on site and be produced upon request.
- 3.19** The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorisation from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.20** 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.
- 3.21** The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.22** 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.
- 3.23** The holder of EA must note that in terms of 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.
- 3.24** 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.



- 3.25 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.
- 3.26 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.
- 3.27 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activities, the EA is valid for the period for which the aforesaid Mining Permit is granted provided that this activity commences within 5 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 must be made for the activity to be undertaken.
- 3.28 This EA will only be effective on the event that a corresponding mining permit is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a mining permit.
- 3.29 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 decided.
- 3.30 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.

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 activities 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).

- 4.2 The contents 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.
- 4.3 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 4.4 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.6 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled. The holder of the EA must also make sure that littering of waste within the mining area is prohibited.
- 4.7 Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.8 Only listed activity (ies) that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority 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 EA.



- 4.9 Rehabilitation of the disturbed surface caused by operation must comply with the approved EMPr.
- 4.10 The Holder of EA must appoint the ECO before commencement of mining activities and ensure that the name 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 activities at all times comply with the issued EA and approved EMPr.
- 4.11 The ECO must:
- 4.11.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.11.2 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.
 - 4.11.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.11.4 Keep copies of all environmental reports submitted to the Department.
 - 4.11.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.11.6 Compile a monthly monitoring report and make it available to the Department if requested.
 - 4.11.7 The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.
- 4.12 The footprint of the activities must be limited on the areas authorised for the actual mining works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.



5 REPORTING TO THE DEPARTMENT

5.1 The holder of EA must:

- 5.1.1** Submit an Environmental Audit Report to this Department annually and such report must be done by qualified independent Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
 - 5.1.2** The audit report must be in accordance to appendix 7 of the 2014 EIA regulations as amended;
 - 5.1.3** identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 5.1.4** identify shortcomings in the EMPr/closure plan, if applicable;
 - 5.1.5** identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
 - 5.1.6** if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;
 - 5.1.7** be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2** Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3** The holder of the EA 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.
- 5.4** The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority 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, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.



5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –

5.5.1 Correct the impact resulting from the incident;

5.5.2 Prevent the incident from causing any further impact; and

5.5.3 Prevent a recurrence of a similar incident.

5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 SITE SECURITY AND ACCESS CONTROL

6.1 The holder of the EA must ensure effective access control to the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at the entrance.

6.2 The mining area must be fenced off and lockable gates must be installed to restrict unauthorised access to the site.

6.3 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at the 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 operation of the site.

7 EMERGENCY PREPAREDNESS PLAN

7.1 The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:

- 7.1.1 Site Fire
- 7.1.2 Spillage
- 7.1.3 Natural disasters such as floods
- 7.1.4 Industrial action
- 7.1.5 Contact details of police, ambulances and any emergency center closer to the site.

7.2 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.

8 INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 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. Such investigation must include the monitoring of the water quality variables and air quality, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution and/or degradation, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.
- 8.5 The holder of the EA must comply with Section 28 of the NEMA and conduct mining activities in an environmentally friendly manner.



9 COMMISSIONING AND DECOMMISSIONING

- 9.1 The commissioning and decommissioning of individual activity within the overall listed mining activities must take place within the phases and timeframes as set out in EMPr.

10 SITE CLOSURE

- 10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of 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 Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.3 No exotic but, only indigenous plants must be utilized for rehabilitation purposes.
- 10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA, 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, health or environmental impacts that might be known in future.

11 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.

12 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.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMP/closure plan, 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 authorisation is accordingly granted.

Your interest in the future of our environment is appreciated.

Kind Regards,


REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE

DATE: 22/9/2020