

- 3.22. This EA does not purport to absolve the holder of the EA from its common law obligations towards the owner of the surface of land affected;
- 3.23. The holder of the 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 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations;
- 3.25. The holder of the EA must note that in terms Section 43A of the NEM: WA, residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the revised EMPr. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the revised EMPr;
- 3.26. The holder of the EA must note that in terms Section 20 of the NEM: WA, 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;
- 3.27. An appeal under Section 43 (7) of the NEMA suspends an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise;
- 3.28. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing;
- 3.29 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;
- 3.30 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rain water from getting in contact with the waste;

- 3.31 The storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site;
- 3.32 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid permit is granted provided that this activity must commence within 10 years. If the commencement of the activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken;
- 3.33 This EA will only be effective on the event that a corresponding Permit or right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without permit;
- 3.34 The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided;
- 3.35 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of the EA to bring it to the attention of the Department for resolution;
- 3.36 Indigenous animals and birds that are found within the approved prospecting area must not be harmed and must be protected as far as it is practicable;
- 3.37 No Protected plant species (either mentioned or not mentioned in the report) must be removed unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF);

- 3.38 The activity must comply substantially with the Layout Plans attached and included in the revised EMPr dated the 04th of October 2016;
- 3.39 In terms of section 24F of the NEMA, failure to comply with the conditions of this environmental authorisation constitutes an offence for which a convicted person may be liable to a fine not exceeding R5 million or imprisonment for a period not exceeding ten years or both such fine and such imprisonment;

4. MANAGEMENT OF ACTIVITY (IES)

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (ies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies);
- 4.2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval;
- 4.4 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority;
- 4.5 A buffer zone of 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained;
- 4.6 Mining activities must be managed and operated in accordance with the Environmental Management Systems (EMS) that inter alia identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the holder of the FA as a result of complaints;
- 4.7 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards;

- 4.8 The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment;
- 4.9 The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority;
- 4.10 Non-compliance with any condition of this EA or EMPr may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of section 31L of NEMA;
- 4.11 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr;
- 4.12 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr;
- 4.13 The Holder of EA must 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 available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr;
- 4.14 The ECO must:
- 4.14.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material);

- 4.14.2 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;
 - 4.14.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
 - 4.14.4 Keep copies of all environmental reports submitted to the Department;
 - 4.14.5 Keep the records of all permits, licences and authorisations required by the operation;
 - 4.14.6 Compile a monthly monitoring report and make it available to the Department if requested;
- 4.15 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;
- 4.16 Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration;
- 4.17 The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimize the risk involved. Records of training and verification of competence must be kept by the holder of the EA;
- 4.18 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled;

5 REPORTING TO THE DEPARTMENT

5.1 The holder of the EA must:

- 5.1.1 Submit an Environmental Audit Report to this Department annually and such report must be done by an independent person with relevant environmental

audit expertise to compile an environmental audit report. The environmental audit must be in line with regulation 34 and appendix 7 of the EIA Regulations and specify whether conditions of this EA and an approved EMPr are adhered to;

- 5.1.2 identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
 - 5.1.3 identify shortcomings in the EMPr, if applicable;
 - 5.1.4. identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
 - 5.1.5 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
 - 5.1.6 Specify the name of the auditor; and
 - 5.1.7 Submitted the Environmental Audit to the Department 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 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;
- 5.4 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;

- 5.5 The holder of the EA must, within 24 hours of 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;
- 5.6 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 5.5, 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 –
- 5.6.1 Correct the impact resulting from the incident;
- 5.6.2 Prevent the incident from causing any further impact; and
- 5.6.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, 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 on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance; and
- 6.2 Weather proof, 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 operation of the site.

7. EMERGENCY PREPAREDNESS PLAN

7.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it bi-annually when conducting audits 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; and

7.1.5 Contact details of police, ambulances and any emergency centre 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, 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, 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.

9. COMMISSIONING AND DECOMMISSIONING

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

10. SITE CLOSURE

- 10.1 The holder of the EA must apply for a closure certificate as prescribed in the MPRDA and any other applicable legislation;
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as prescribed in the MPRDA and any other applicable legislation;
- 10.3 No exotic plants may be used for rehabilitation purposes, 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 the EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of the MPRDA as amended. Where necessary the Minister may retain a portion of the 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

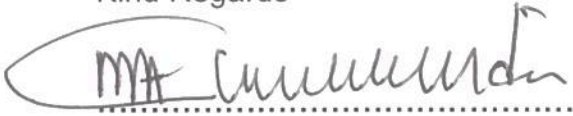
The Department, in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for 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 EMPr, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels. The authorisation is accordingly granted.

Your interest in the future of our environment is appreciated.

Kind Regards

A handwritten signature in black ink, appearing to read 'A. Mulaudzi', is written over a dotted line. The signature is stylized and cursive.

A.MULAUDZI

REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGIONAL OFFICE

DATE.....07/11/2017.....



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: Ms. T.J. Makhokha Ref: FS 30/5/1/3/3/2/1 (10201) EM

E-Mail Address: Tshifhiwa.Makhokha@dmr.gov.za

Sub-Directorate: Mine Environmental Management

BY REGISTERED MAIL

The Directors

Mosito Mining (Pty) Ltd

P.O. Box 1631

Kimberley

8300

Contact person: Mr. M.E. Selemela Tel: 083 255 8816

Fax:086 607 4721

AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR MINING DIAMONDS (KIMBERLITE) IN RESPECT OF A REMAINDER OF THE FARM DUTOITSPAN 119; SITUATED IN THE MAGISTERIAL DISTRICT OF BOSHOF IN THE FREE STATE REGION. APPLICANT: MOSITO MINING (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 amendment of an 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
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
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, appearing to read 'MA Mulaudzi', written over a dotted line. The signature is stylized and includes a small flourish at the end.

A. MULAUDZI

REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGIONAL OFFICE

DATE: 07/11/2017