



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schimdstriff street, Telkom Building, Kimberley 8300, E-mail: Takalani.khorombi@dmr.gov.za Ref No:30/5/1/2/2/10053/00215 EM
Enquiries: Takalani Khorombi

The Directors

Suite 201D Drive

Kudumane Manganese Resources (Pty) Ltd

The Plaza, Melrose Arch

Johannesburg

2196

By Email: tshifhiwa@kmr.co.za

Dear Sir/Madam

RE: INTEGRATED ENVIRONMENTAL AUTHORISATION AMENDMENT LODGED IN TERMS OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT (ACT NO.59 OF 2008) 2014 AS AMENDED FOR MINING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON THE KIPLING 271, DEVON 277 AND HOTAZEL 280, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN, NORTHERN CAPE REGION.

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an integrated environmental authorization in terms of regulation 20(1) (a)/24(1) (b) of the Environmental Impact Assessment Regulations, 2017 ("EIA Regulations"). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the EIA Regulations, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, of the date of the Department's decision in respect of your application and the provisions regarding the making of appeals must be provided for in terms of the National Appeal Regulations, 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs, within 20 days from the date of notification, and such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulation, 2014 by means of one of the following methods:

By post: Attention: Appeals Directorate and Legal review
The Minister of Department of Environmental Affairs
Private Bag X 447
PRETORIA
0001

By facsimile: (012) 359 3609; or

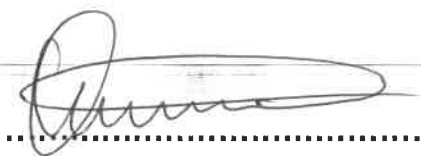
By hand: Environmental House, Corner Steve Biko and Soutspanberg,
Arcadia, Pretoria, 0083

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted to Mr Ziyaad Hassam.

A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 399 9000, E-mail: appealsdirector@environment.gov.za

Should you decide to appeal, you must comply with the National Appeal Regulations, 2014 in relation to notification of all registered interested and affected.

Kind Regards



REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGION

DATE 07/06/2022



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, 41 Schimidtdrift Road,
Telkom Building, Kimberley 8301

INTEGRATED ENVIRONMENTAL AUTHORISATION

Reference number: NC30/5/1/2/2/10053 /00215 EM
Holder of authorisation: Kudumane Manganese Resources (Pty) Ltd
Last amended: Second Issued
Commodity: Manganese Ore
Location of activity: On Farms Kipling 271, Devon 277 and Hotazel 280,
situated in the Magisterial District of Kuruman,
Northern Cape Region.

ACRONYMS

NEMA: National Environmental Management Act, 1998 (Act 107 of 1998),
as amended

DEPARTMENT: Department of Mineral Resources.

EA: Environmental Authorisation.

EMPr: Environmental Management Programme.

BAR: Basic Assessment Report.

I&AP: Interested and Affected Parties.

ECO: Environmental Control Officer.

SAHRA: South African Heritage Resources Agency.

EIA REGULATIONS: Environmental Impact Assessment Regulations, 2017.

MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28
of 2002), as amended

NEM:WA: National Environmental Management: Waste Act, 2008 (Act 59 of
2008), as amended.

EIA: Environmental Impact Assessment.

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
Kudumane Manganese Resources NC30/5/1/2/2/10053/00215 EM Page 3 of 26

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"** of this Environmental Authorisation.

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by **Kudumane Manganese Resources (Pty) Ltd** with the following contact details –

A.DETAILS OF THE APPLICANT FOR THIS INTEGRATED ENVIRONMENTAL AUTHORISATION

The Directors
Suite 201D Drive
Kudumane Manganese Resources (Pty) Ltd
The plaza , Melrose Arch
Johannesburg
2196

By Email: tshifhiwa@kmr.co.za

to undertake the following activities listed in the NEMA EIA Regulation-

ACTIVITY APPLIED FOR

B. LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA;

Listing Notice 1: GNR 983 Activity No. 9

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

Listing Notice 1: GNR 983 Activity No. 10

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

Listing Notice 1: GNR 983 Activity No. 11

The development of facilities or infrastructure for the transmission and distribution of electricity—

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;

Listing Notice 1: GNR 983 Activity No. 9

The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—
 - (a) within a watercourse;
 - (b) in front of a development setback; or
 - (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

Listing Notice 1: GNR 983 Activity No. 13

The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.

Listing Notice 1: GNR 983 Activity No. 14

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.

Listing Notice 1: GNR 983 Activity No. 16

The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.

Listing Notice 1: GNR 983 Activity No. 19

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

Listing Notice 1: GNR 983 Activity No. 21D

Any activity including the operation of that activity which requires an amendment or variation to a right or permit in terms of Section 102 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice or in Listing Notice 3 of 2014, required for such amendment.

Listing Notice 1: GNR 983 Activity No. 24

The development of a road—

- (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or
- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres.

Listing Notice 1: GNR 983 Activity No. 25

The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.

Listing Notice 1: GNR 983 Activity No. 27

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.

Listing Notice 1: GNR 983 Activity No. 34

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution.

Listing Notice 1: GNR 983 Activity No. 45

The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
 - (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or
 - (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;

Listing Notice 1: GNR 983 Activity No. 47

The expansion of facilities or infrastructure for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.

Listing Notice 1: GNR 983 Activity No. 48

The expansion of—

- (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or
- (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;
where such expansion occurs—
 - (a) within a watercourse;
 - (b) in front of a development setback; or
 - (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

Listing Notice 1: GNR 983 Activity No. 56

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—

- (i) where the existing reserve is wider than 13,5 meters; or
- (ii) where no reserve exists, where the existing road is wider than 8 metres;

Listing Notice 2: GNR 984 Activity No. 6

The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent,

Listing Notice 2: GNR 984 Activity No. 11

The development of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following —

- (i) water catchments;
- (ii) water treatment works; or
- (iii) impoundments;

Listing Notice 2: GNR 984 Activity No. 15

The clearance of an area of 20 hectares or more of indigenous vegetation

Listing Notice 2: GNR 984 Activity No. 16

The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the highwater mark of the dam covers an area of 10 hectares or more.

Listing Notice 2: GNR 984 Activity No. 17

Any activity including the operation of that activity which requires a mining right in terms of Section 22 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the mining right.

Listing Notice 2: GNR 984 Activity No. 27

The development of a road-

- (i) with a reserve wider than 30 meters or
- (ii) catering for more than one lane of traffic in both directions

NEM:WA: GNR 921, Category A(2):

The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area in excess of 1000m²;

NEM:WA: GNR 921, Category A(3):

The recycling of general waste at a facility that has an operational area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises;

NEM:WA: GNR 921, Category A: (4)

The recycling of hazardous waste in excess of 500kg but less than 1 ton per day calculated as a monthly average, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises;

NEM:WA: GNR 921, Category B: (10)

The construction of a facility for a waste management activity listed in Category B of GNR 921;

NEM:WA: GNR 921, Category B: (11)

The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a mining right, exploration right or production right in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will be undertaken on remaining extent of the Farms Kipling 271, Devon 277 and Hotazel 280, situated in the Magisterial District of Kuruman, situated in the Magisterial District of Kimberley, Northern Cape Region.

Co-ordinates of the boundary of the properties are those that are described in the final site layout map attached hereto hereinafter referred to as "the site".

Devon

No.	Longitude (DMS)	Latitude (DMS)
D1	22° 56' 51.239" E	27° 16' 43.353" S
D2	22° 55' 45.371" E	27° 15' 40.961" S
D3	22° 59' 26.885" E	27° 13' 31.471" S
D4	22° 59' 57.644" E	27° 14' 44.037" S

Kipling

No.	Longitude (DMS)	Latitude (DMS)
K1	22° 55' 15.210" E	27° 12' 12.961" S
K2	22° 55' 11.942" E	27° 11' 48.884" S
K3	22° 55' 15.680" E	27° 11' 20.420" S
K4	22° 55' 1.907" E	27° 10' 49.896" S
K5	22° 54' 55.272" E	27° 10' 32.368" S
K6	22° 55' 9.816" E	27° 10' 39.558" S
K7	22° 59' 19.067" E	27° 10' 7.183" S
K8	22° 59' 46.898" E	27° 11' 18.768" S

Hotazel

No.	Longitude (DMS)	Latitude (DMS)
H1	22° 58' 2.715" E	27° 12' 56.677" S
H2	22° 57' 59.294" E	27° 12' 56.450" S
H3	22° 57' 43.898" E	27° 13' 1.754" S
H4	22° 57' 40.176" E	27° 13' 2.639" S
H5	22° 55' 26.370" E	27° 13' 45.489" S

H6	22° 55' 19.319" E	27° 13' 15.840" S
H7	22° 55' 13.728" E	27° 13' 17.258" S
H8	22° 55' 0.620" E	27° 13' 0.505" S
H9	22° 55' 10.503" E	27° 12' 40.224" S
H10	22° 55' 2.872" E	27° 12' 30.689" S
H11	22° 55' 15.210" E	27° 12' 12.961" S
H12	22° 59' 46.898" E	27° 11' 18.768" S
H13	23° 0' 9.511" E	27° 12' 16.836" S

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Consulting (South Africa) (Pty) Ltd

P.O Box 55291,

Northlands,

2116

By Email : snel@srk.co.za

Tel : 011 441 1111

Fax: 086 751 4709

E. EA SITE SPECIFIC CONDITIONS

1. Protected plant species that could be identified within mining area should not be removed and/or destroyed unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
2. No water uses activities shall be permitted unless the water use license has been obtained from Department of Water and Sanitation.
3. Alternative options to avoid mining through the Ga-Magara River should be sought, such as accessing mineral resource from the western side of River.
4. Notwithstanding the above alternative, no authorise activity may be permitted within the Ga-Magara River.
5. No mining activities shall be permitted within water course unless such triggered water use has been granted to with DWS
6. In terms of transportation and traffic management, the proposed new access ingtersection from Hotazel West which would provides access to the proposed Klipling Administration Office.

7. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones.
8. Always remove and retain topsoil for subsequently rehabilitation.
9. Clearance of vegetation should be limited to that absolutely necessary for the operation of the mine.
10. Concurrent rehabilitation must be applied during the mining operation. When mining technique is used, the extent of void may be minimised by progressive direct backfilling of overburdens in the mined out sections of the pit.
11. The graves observed 100m away from development footprint must be protected though fenced around them and/or exhumed in accordance with SAHRA Burial Grounds and Grave Unit.
12. Excavation must take place only within the approved demarcated mine.
13. No waste shall under any circumstances be disposed of in the veld or burning of waste is prohibited.
14. To ensure the lowest possible impact of AQSRs and environment, the air quality management as proposed in the report be implemented.

F. CONDITIONS OF AUTHORISATION

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including ~~but not limited to an agent, servant, contractor, subcontractor, employee, consultant or~~ any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by 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 it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the properties indicated in the EA and or on the approved EMPr.

- 1.4 Where any of the holders of the EA contact details change including the name of the responsible person, physical/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 absolve the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- 1.6. The holder of the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
18. The holder of an authorisation as the case may be, must apply for an closure certificate upon the lapsing, abandonment or cancellation of the right in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a right . An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, and relinquishment.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of EA must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with EIA Regulation 4(2)-
- 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 this Annexure 2 (Departmental Standard Conditions).
- 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.

3 COMMENCEMENT OF THE ACTIVITIES

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 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 construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4 Appropriate notification sign(s) must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5 Construction 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.
- 3.6 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.7 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation (NCNCA) Act no. 9 of 2009 must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 3.8 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff
- 3.9 If any soil contamination is noted at any phase of the proposed activities, the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated

- 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.
- 3.10 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. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. 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.
- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), 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 operation. It is the applicant's 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 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.13 Residents (if any) on the properties and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.14 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.15 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.16 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 Northern Cape Heritage Resource Agency (NCHRA) (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 Northern Cape Heritage Resource Agency (NCHRA).

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

3.18 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.

3.19 Hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.

3.20 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works.

3.21 The holder of EA must ensure that any water uses listed in terms of section 21 of National Water Act, 1998 (Act 36 of 1998) must get authorization from Department of Water and Sanitation prior to the commencement of such activities. The holder of the EA shall note that

in terms of Section 19 (1) of the national Water Act, 1998 (Act No. 36 of 1998).”An owner of land , a person who occupies or uses the land on which – (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.”

3.22 Therefore any pollution incident (s) associated with the proposed project shall be reported to the relevant Regional Office of the DMR and Department of Water and Sanitation within 24 hours.

3.23 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.

3.24 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) at all times comply with the approved EMPr.

3.25 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.

3.26 The holder of EA must note that in terms section 43A of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the approved 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 approved EMPr.

3.27 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 license is issued in respect of that activity if license is required.

3.28 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.

3.29. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence/continue with the activities until such time that the Minister allows you to commence with such activities in writing.

3.30 The Department reserves the right to audit and/or inspect the activities without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio-visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.

3.31 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.

3.32 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.

3.33 You shall not store any fuel either above or underground, with a combined capacity of 80 cubic metres or more without an authorisation in each of the above mentioned sites. All fuels and lubricants that are allowed to be stored in the sites must be stored inside a bounded area.

3.34 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 right is issued provided that this activity must commence within 10 years. If the commencement of the proposed 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.
- 3.35 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.36 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 finalized.
- 3.37 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.
- 3.38 If the EA holder is not the surface owner must before commencement of the mining activities consult with the land owners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.
- 3.39 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.

4. MANAGEMENT OF ACTIVITIES

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (lies) 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 properties. Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMP must be available on site to the aforesaid authorised official on request at all times.

- 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.
- 4.3 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.
- 4.4 A buffer zone of 100 meters between the activities and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 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.
- 4.7 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.
- 4.8 Mining vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
- 4.9 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.
- 4.10 Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.
- 4.11 Only listed activities that are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department 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 Any changes to or deviations from the activity description set out above must be approved in writing by the competent authority before such changes or deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the EA holder to apply for further authorisation in terms of the regulations.
- 4.13 Rehabilitation of the disturbed surface caused by the operation at all times must comply with the conditions set in the approved EMPr. The historical liability in the mining area form part of mining right.
- 4.14 The holder of the EA must ensure that the names 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.
- 4.15 Adhere to the recommendations from Groundwater Assessment report and Ecological fauna and flora habitat specialist report.
- 4.16 The ECO must:
- 4.16.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material);
 - 4.16.2 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;
 - 4.16.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
 - 4.16.4 Keep copies of all environmental reports submitted to the Department;
 - 4.16.5 Keep the records of all permits, licences and authorisations required by the operation; and
 - 4.16.6 Compile a monthly monitoring report and make it available to the Department if requested
 - 4.16.7 The duties and responsibilities of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA and NEMWA

- 4.17 The footprint of the activities must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a “no go” areas.
- 4.18 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.
- 4.19 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 minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.
- 4.20 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
- 4.21 The holder of the environmental authorisation 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.
- 4.22 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 4.23 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
- 4.24 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.25 Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
- 4.26 If any soil contamination is noted during mining period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and

Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.

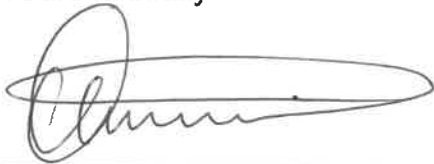
4.27 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

G. 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



Regional Manager: Mineral Regulation (Northern Cape Region)

Mr. Ndlelenhle Zindela

DATE OF DECISION: 07/06/2022

FOR OFFICIAL USE ONLY:

IEA REFERENCE NUMBER:

NC30/5/1/2/2/10053/00215 MEM

REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the Environmental Authorisation application form received by the competent authority on the 2nd July 2020 , and the EIA Report with Environmental Management Programme (“EMPr”)/closure plan received by the competent authority on 24th of November 2021.
- b) Relevant information contained in the Departmental information base, including, the Department's circular on the One Environmental Management System dated 8 December 2014;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”);
- d) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, meetings, as included in the EIAR;
- e) The posting the DSR, announcement letter and comment form on the SRK website: (<https://docs.srk.co.za/en/za-kmr-expansion-project>)
- f) This application was submitted in terms of the 2017 NEMA Environmental Impact Assessment Regulations (“EIA Regulations”);
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- h) The site visited was conducted prior to the conclusion of EA
- i) The following studies were part of the submission of this application.
 - Blastic specialist study
 - Closure Liability Report
 - Freshwater specialist
 - Groundwater Study
 - Noise Specialist study
 - Surface water specialist
 - Soil and land capacity specialist
 - Traffic Impact Assessment
 - Air quality specialist
 - Visual impacts

- Soil and land capacity specialist
- Socio-Economic Specialist
- Heritage Specialist

j) The financial provision which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process (“PPP”) in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2014 was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP and the Department was satisfied with the documentation that was submitted as a proof of the whole process.

2. Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R326.

The PPP conducted as part of the BAR process included:

- Notification to landowner and adjacent landowners;
- registered letters and e-mail correspondent;
- Newspaper adverted notice; Noordkaap Bulletin 19 August 2021
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

3. Alternatives

The proposed mining operation and current proposed site shows to have an overall medium to low negative impact on the property. The alternatives that could be explored was towards the mining related structures and processes.

No other alternatives in regard to the preferred site, activities and technology is considered as the current planning is to be best possible option at this stage to ensure minimal environmental disturbance and cost effective mining operation.

3.1 Property

The location of the proposed KMR expansion project components is constrained to the location existing infrastructure as well as the mineral resources.

3.2 Technology

The existing technology utilised by KMR and their operations will be utilised for the expansion activities.

3.3 Operational

The alternatives that have been considered in respect of opencast mining along the Ga-Mogara River.

4. Impacts, assessment and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management programme mitigation measures.

5. 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.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, 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.

-END-