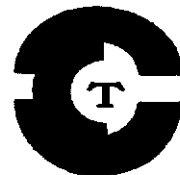


Notif.

Environmental Auth.

case ID: 1278

TEKPLAN



(Reg. No. 2000/019116/23)

P.O. Box 55714, Polokwane, 0700
Tel: 015 291 4177 Fax: 086 218 3267
tecoplan@mweb.co.za

South African Heritage Resources Agency
P.O. Box 4637
CAPE TOWN
8000

Attention: Ms. Mary Leslie

Our ref.: TE1A233

Date: 7 January 2013

Madam

APPLICATION FOR RECTIFICATION (& CONTINUATION) OF UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), 1998 (ACT NO. 107 OF 1998)

PROPOSED TOWNSHIP DEVELOPMENT (TO BE KNOWN AS NORTHAM EXT. 17) ON PORTION 30 OF THE FARM DE PUT 412 KQ

1. The Limpopo Department of Economic Development, Environment and Tourism have decided to grant authorisation for the above project on 29 November 2012 (see Environmental Authorization attached).
2. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the MEC, within 20 days of this letter.
3. You may appeal by means of the following methods:
 - By facsimile: (015) 293 8317;
 - By post: Private Bag X9484, POLOKWANE, 0700;
 - By hand: 3rd Floor, Evridiki Towers, 20 Hans van Rensburg Street, POLOKWANE, 0699
4. Should you decide to appeal you must serve a copy on the applicant of the notice referred to in number 2. You must also indicate to the applicant where and for what period the appeal submission will be available for inspection.
5. The contact details of the applicant is:

Rustenburg Platinum Mines Limited (Trading as Anglo Platinum Limited)
PO Box 62179
Marshalltown
2107

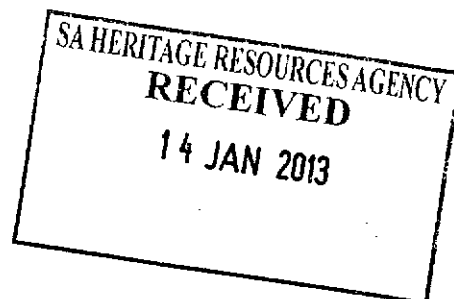
Attention: Mr. Motshubi Jake Letsapa

Tel: 011 373 6686
Fax: 011 373 5686
Cell: 083 567 7135
6. The appeal must be lodged by the appellant and the appeal documentation must be submitted within 30 days of the lodging of the notice of intention to appeal.
7. A statement setting out the grounds of appeal must accompany an appeal.

Thank you.

Yours faithfully

Danie Combrink





LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Enquiries: Mr. FK Baloyi Tel: 015 290 7073 Fax: 015 295 5015 E-mail: BaloyiFK@ledet.gov.za Reference: 12/19/S24G-W4

Rustenburg Platinum Mine
P.O. Box 62179
MARSHALTOWN
2107

Attention: Mr. MJ Letlapa

Fax: 011 3733 5686

Dear Sir,

ENVIRONMENTAL AUTHORISATION IN RESPECT OF RECTIFICATION OF UNLAWFUL COMMENCEMENT OR CONTINUATION OF A LISTED ACTIVITY IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NO 107 OF 1998) FOR TOWNSHIP ESTABLISHMENT TO BE KNOWN AS NORTHAM EXTENSION 17 ON PORTION 30 OF THE FARM DEPUT 412 KQ WITHIN THABAZIMBI LOCAL MUNICIPALITY OF WATERBERG DISTRICT

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.


In terms of regulation 10(2) of the Environmental Impact Assessment Regulations of 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) calendar days of the date of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Regulations.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC for Economic Development, Environment and Tourism, within 20 days of receiving this letter, by means of one of the following methods:

By facsimile : (015) 293 8317
By post : Private Bag X 9484, POLOKWANE, 0700
By hand : 3rd floor, Evridiki Towers, 20 Hans van Rensburg Street, POLOKWANE, 0699

Should you decide to appeal, you must serve a copy of your notice on intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully,


SENIOR MANAGER
ENVIRONMENTAL IMPACT MANAGEMENT
DATE 29/11/12

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM ENVIRONMENTAL IMPACT MANAGEMENT
2012 -11- 29
P.O. BOX 55464, POLOKWANE 0700 TEL: 015 291 1315 LIMPOPO PROVINCE

Cc: Tekplan Environmental

Attention: Mr. Danie Combrink

Fax: 015 291 4961

HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
(Switchboard) Tel: +2715 293 8300/8303/8367 Website: www.ledet.gov.za

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LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

ENVIRONMENTAL AUTHORISATION

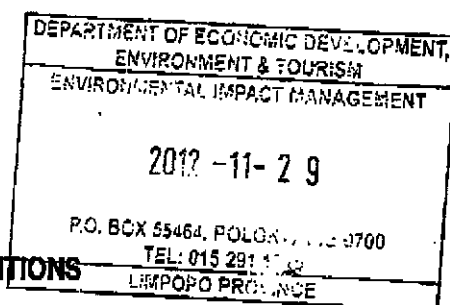
AUTHORISATION NUMBER: 12/1/9/S24G-W4

Holder of authorisation:

Rustenburg Platinum Mine

Location of activity:

The site is situated south of Northam approximately 220m east of the R510 between Northam and Rustenburg. The development is located on portion 30 of the farm De Put 412 KQ within Thabazimbi Local Municipality of Waterberg District, Limpopo Province. The site coordinates are: 25° 58' 42.2" South and 27° 16' 07.6" East.



A. DEFINITIONS

1. **NEMA:** The National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
2. **EIA:** Environmental Impact Assessment.
3. **Regulations:** EIA Regulations of 18 June 2010.
4. **Department:** Department of Economic Development, Environment and Tourism.
5. **EA:** Environmental Authorisation.
6. **EMPr:** Environmental Management Programme.

B. DECISION

The Department is satisfied, on the basis of information available to it that the applicant should be authorised to undertake the activity specified below. Furthermore, this authorisation is subject to compliance with the conditions contained herein.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
(Switchboard) Tel: +2715 293 8300/8303/8367 Website: www.ledet.gov.za

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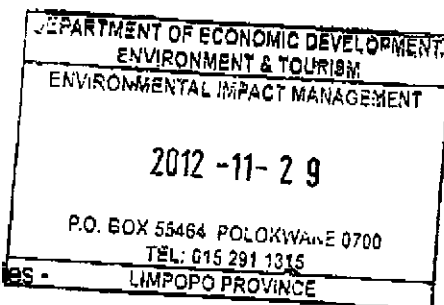
ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by NEMA and the Regulations the Department hereby in terms of section 24(G)(2)(b) of the NEMA authorises **Rustenburg Platinum Mine** with the following contact details –

Mr. M J Letlapa
P.O. Box 62179
MARSHALTOWN
2107

Tel: 011 373 6686

to continue the following activities -



Fax: 011 373 5686

Listed in EIA Regulations GNR. 545 as:

Activity 15 - "Physical alteration of undeveloped, vacant, or derelict land for residential, retail commercial, recreational industrial or institutional use where the total area to be transformed is 20 hectares or more".

The activity undertaken entails the clearance of vegetation and excavations for the installation of engineering services and internal streets, which are structures and infrastructure associated with the proposed township establishment to be known as Northam Ext. 17 on an area covering 35.86 hectares in extent. These activities were undertaken on portion 30 of the farm De Put 412 KQ within Thabazimbi Local Municipality of Waterberg District. The site coordinates are 25° 58' 42.2" South and 27° 16' 07.6" East.

The township establishment is distributed as follows:

LAND USE	NUMBER OF ERVEN
Residential 1	574
Residential 3	5
Business 3	1
Industrial 2	1
Public Open Spaces	4
Total	585

The granting of this environmental authorisation is subject to the conditions set out below.

C. CONDITIONS**1. SCOPE OF AUTHORISATION**

- 1.1 Authorisation of the activity is subject to the conditions contained herein, and is binding to the holder thereof.

- 1.2 This authorisation applies only to the above mentioned project, township establishment to be known as Northam Ext. 17 with associated structures and infrastructure, and changes in the project resulting in significant environmental impacts are only permissible if approved in writing by the Department.
- 1.3 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations 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 deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2. APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must notify all registered interested and affected parties, in writing and within 12 (twelve) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 2.2 The notification referred must –
 - 2.2.1 specify the date on which the EA was issued;
 - 2.2.2 inform all the interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations;
 - 2.2.3 advise all the interested and affected parties that a copy of the EA will be furnished on request; and
 - 2.2.4 give the reasons for the decision.

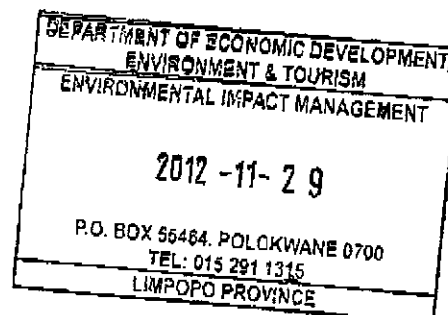
3. MANAGEMENT OF THE ACTIVITY

- 3.1 The EMPr attached as Appendix H to the EIA Report dated 18 February 2012, compiled by Mr. Danie Combrink of Tekplan Environmental and received by the Department on 16 July 2012 for the proposed township establishment to be known as Northam Ext. 17 on portion 30 of the farm De Put 412 KQ and submitted as part of the application for an EA is hereby approved by the Department and must be adhered to throughout the lifecycle of the activity.

- 3.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 3.3 Construction workers must be trained on all the mitigation measures outlined in the EIA Report to ensure minimal impacts on the receiving environment.
- 3.4 The recommendations and mitigation measures recorded in the EIA Report must be adhered to and incorporated as part of the EMPr where applicable.
- 3.5 Section 28 of the NEMA places a duty of care on the applicant to ensure that reasonable measures are taken to prevent pollution or degradation of the environment from occurring, continuing or recurring. Should any environmental damage result from this development or the operation thereof, the applicant, must within 14 days of the damage being caused, rectify the situation at his/her own expense.

4. MONITORING

- 4.1 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation or rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.
- 4.2 The ECO must be appointed before commencement of any land clearing or construction activities.
- 4.3 The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 4.4 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 4.5 The holder of the EA must notify the Department, in writing within 48 (fourty eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this EA may result in criminal prosecution or other actions provided for in the NEMA and the EIA regulations.
- 4.6 The Department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it adheres to all the conditions and mitigation measures included in the EIA Report. Records of monitoring and auditing must be available for inspection to this Department's officials inspecting the development.



5. RECORDING AND REPORTING TO THE DEPARTMENT

- 5.1 The ECO referred to in 4.1 above must submit a Compliance Monitoring Report (CMR) to the Department within thirty (30) days after the completion of the rehabilitation. This report must indicate how the applicant has complied with each condition in the EA and the recommendations included in the EIA Report.

6. NOTIFICATION TO AUTHORITIES

- 6.1 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. A notice must include a date on which it is anticipated that the activity will commence, and must include the name and contact details of the appointed Environmental Control Officer (ECO).

7. COMMENCEMENT OF THE ACTIVITY

- 7.1 All the mitigation measures recommended by the specialists' studies must be implemented and adhered to.
- 7.2 Unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF), no protected plant species where development will take place must be removed.
- 7.3 Large trees must not be removed; they must be incorporated in the design layout plan. Only indigenous trees and grass must be used for landscaping in order to enhance habitat for bird species.
- 7.4 Preservation and appropriate management of any new discoveries of archaeological, historical and any site or land of cultural value within the project boundary must be enforced, should these be discovered during construction; Limpopo Heritage Resource Agency (LHRA) and/or South African Heritage Resource Agency (SAHRA) must be informed immediately about such a discovery.
- 7.5 Adequate stormwater drainage system and culverts must be designed to adequately control the volume, speed and location of runoff, to avoid soil erosion. Stormwater must be diverted away from construction or site areas in cut-off drains. During rain events, silt traps must be used during construction and proper rehabilitation must be done before the next rainy season.
- 7.6 The hydraulic fluids or chemicals required during construction such as solvents, asphalt, sealants, adhesives, paint, etc must be stored in a concrete lined surface with bund walls and must be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment.
- 7.7 Adequate control measures of all material, fuel and chemicals, which can potentially leach into groundwater, must be in place. Adequate fuel containment facilities must always be used.

- 7.8 Chemical sanitations facilities must be made available for the workers as some proposed areas are away from the existing sanitations. These sanitations must be regularly serviced by appropriate companies to avoid spills or leaks on the groundwater or surface water.
- 7.9 Under no circumstances shall waste be burned on site. All waste including builder's rubble, generated during the construction and/or operation of the development must be stored, handled and disposed of at an authorised disposal site.
- 7.10 Disturbance to the environment must be restricted to the absolute minimum and areas disturbed as a result of construction must be rehabilitated as soon as possible.
- 7.11 All the construction and associated structures must be in accordance with the South African National Standards (SANS).
- 7.12 All employees must be provided with necessary personal protective equipment in order to ensure their safety.
- 7.13 The best practicable means of dust suppression technique must be utilized to prevent dust from being dispersed into the atmosphere.
- 7.14 In order to minimize the effects of noise and not to irritate the farmers nearby, construction activities can only take place from 7h00 to 17h00 weekdays and 7h30 to 13h00 on Saturdays, with the exception of Sundays and public holidays.
- 7.15 Should spillage of any hazardous substance occur during construction, it must be reported to the Regional Director: DWA or his/her representative immediately, within 24 hours of such spillage. Hazardous waste shall then be collected and disposed of at an approved licensed disposal facility designed for such particular waste. Only permitted or legally authorised waste collection services must be appointed for the collections of waste from the site to an approved licensed disposal facility.

8. OPERATION OF THE ACTIVITY


- 8.1 Fourteen (14) days written notice must be given to the Department that the activity's operational phase will commence. A notice must include a date on which it is anticipated that the activity will commence.

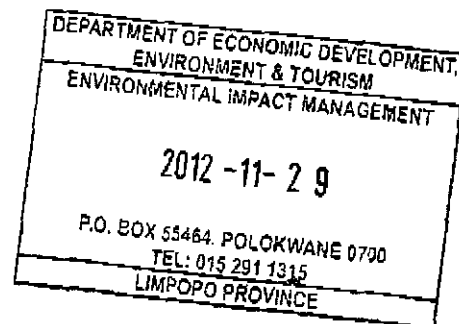
9. SITE CLOSURE AND DECOMMISSIONING

- 9.1 Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

10. GENERAL

- 10.1 A copy of this EA must be kept at the property / on-site office where the activities will be undertaken. The EA must be produced to any authorised official of the Department who requests 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.
- 10.2 Where any of the holder of authorisation's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 10.3 National government, provincial government, local authorities or committees appointed in terms of the conditions of this EA or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of EA as set out in this document or any other subsequent document emanating from these conditions of authorisation.


SENIOR MANAGER
ENVIRONMENTAL IMPACT MANAGEMENT
DATE: 29/11/12



ANNEXURE 1: REASONS FOR THE DECISION

1. BACKGROUND

The applicant, **Rustenburg Platinum Mine**, applied for rectification of unlawful commencement and continuation of an activity listed in the EIA Regulations of 2010 of the NEMA without an environmental authorisation. The activity undertaken entails clearance of vegetation and excavations for the installation of engineering services and internal streets, which are structures and infrastructure associated with the proposed township establishment to be known as Northam Ext. 17 on an area covering 35.86 hectares in extent. These activities were undertaken on portion 30 of the farm De Put 412 KQ within Thabazimbi Local Municipality of Waterberg District. The site coordinates are 25° 58' 42.2" South and 27° 16' 07.6" East.

This activity is listed in the EIA Regulations GNR. 544 as:

Activity 15 - "Physical alteration of undeveloped, vacant, or derelict land for residential, retail commercial, recreational industrial or institutional use where the total area to be transformed is 20 hectares or more".

Rustenburg Platinum Mine (hereafter referred to as "Applicant") unlawfully commenced with the township establishment to be known as Northam Ext. 17 with associated structures and infrastructure. The activity was commenced for the first time in 01 September 2012. This activity is located on portion 30 of the farm De Put 412 KQ within Thabazimbi Local Municipality of Waterberg District. This activity is listed in the EIA Regulations GNR. 544 and required an authorisation in terms of the NEMA.

Subsequently, the applicant applied for rectification of the unlawful commencement of the activities mentioned above in terms of section 24G of the NEMA in order to obtain an environmental authorisation for such development.

The applicant appointed **Tekplan Environmental** (Mr. Dannie Combrink) to undertake the section 24G rectification process as required by the NEMA in order to obtain authorisation for the above mentioned development.

The Department received a copy of an EIA report, which included an Environmental Management Programme on 16 July 2012 as part of the application for environmental authorisation that was closed due to the commencement of unlawful activities. The EAP was exempted from conducting another impact assessment as the Department considered EIA report mentioned above to be substantial to inform the decision in respect of the subject application.

As a result of the review of the above-mentioned EIA report, the Department decided to grant **Rustenburg Platinum Mine** an Environmental Authorisation in terms of section 24(G)(2)(b) of the NEMA.

2. INFORMATION CONSIDERED IN MAKING THE DECISION

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

- a) The information contained in the EIA Report received by the Department on 16 July 2012;

- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) EMPr attached to the EIA Report;
- d) Specialist investigations undertaken (Geotechnical Report, Ecological Report and ~~Heritage~~ Impact Assessment Report);
- e) Service agreement letter from Thabazimbi Municipality dated 05 July 2012;
- f) Electricity supply confirmation letter from Eskom dated 02 July 2012;
- g) Letter from Department of Agriculture, Forestry and Fisheries dated 08 April 2012; and
- h) The findings of the site inspection conducted by Ms Malungani TP and Mr. Baloyi FK of this Department on 18 October 2012.
- i) The applicant paid an admission of guilt fine to the amount of R72, 300.47.

3. KEY FACTORS CONSIDERED IN MAKING THE DECISION

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

- a) The township establishment is in line with the existing land uses in the area;
- b) The activity will be managed in such way that disturbance to the environment will only be limited to areas demarcated for development;
- c) Public Participation Process (PPP) as included in the EIA Report, which complies with Chapter 6 of the EIA Regulations R. 543 of 2010;
- d) The possible impacts relevant to the activity were addressed; and such impacts can be mitigated using the recommendations outlined in the EMPr attached to the EIAR received by the Department on 16 July 2012 to ensure prevention and minimal impacts on the receiving environment; and
- e) The site inspection conducted Ms. Malungani TP and Mr. Baloyi FK of this Department on 13 September 2012 revealed that the development site is suitable for the activity.

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

- a) PPP was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010 for public involvement and the details are as follows:

- The development was initially advertised in a local newspaper (Die Kwevoel) on 05 November 2010;
 - Notices were placed on site in order to inform interested and/or affected parties of the proposed project;
 - Letters were sent to all the affected stakeholders;
 - All comments received from interested and affected parties were adequately addressed;
 - The registered interested and affected were also formally informed about the change in the process followed to rectify the unlawful commencement of excavations and pegging for the installation of engineering services and internal street. Proof as such was submitted to the Department as additional information on 19 November 2012; and
 - No comments and/or objections were received from the interested and affected parties.
- b) The site inspection conducted by Ms Malungani TP and Mr. Baloyi FK of this Department on 13 September 2012 revealed the following:
- There is an existing township and a primary school on the western side of the proposed development;
 - There is a new waste disposal site on the south-west of the proposed site;
 - The proposed development will take place in a disturbed to fragmented natural areas; and
 - No fauna species were identified during the site inspection.
- c) Specialist studies were undertaken, reports were submitted and the findings thereof are:
- The Geotechnical Report dated February 2010 and compiled by CJ de Beer of Geotechnical Consult Services findings indicates that the site is suitable for the construction of the proposed development;
 - The Ecological Report dated May 2010 and compiled by Dr. GCO de Beer findings indicates that the conservation value, site sensitivity and environmental impact of the area are low. The proposed development will take place in a disturbed to fragmented natural areas; and
 - The Heritage Assessment Report dated May 2010 and compiled by Mr. Marko Hutten of Hutten Heritage Consultants indicates that no significant heritage resources sites or findings of any value or significance were identified on the proposed development site.
- d) The possible impacts relevant to the activity were addressed; and such impacts can be mitigated using the recommendations outlined in the EIA Report received by the Department on 16 July 2012 to ensure prevention and minimal impacts on the receiving environment;
- e) The Department of Agriculture, Forestry and Fisheries does not have any objection against the proposed township establishment as indicated in the letter dated 08 April 2011; and
- f) The letter dated 05 July 2012 from Thabazimbi Municipality confirmed that the proposed township can connect to the existing bulk services networks of the. Furthermore, the letter dated 02 July 2012 from Eskom confirmed that the proposed township falls within the Eskom electricity supply area.

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Department of Economic Development, Environment and Tourism Environmental Authorisation Ref No. 12/1/9/S24G-W4

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the EA, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The authorisation is accordingly granted.

