



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593  
Telkom Building, 41 Schmidtsdrift Street, Kimberley 8300

Enquiries: Kgaudi Shapo Ref No: NC 30/5/1/1/2/ (11639) PR  
E-mail address: kgaudi.shapo@dmr.gov.za  
Mine Environmental Management

## REGISTERED MAIL

### The Applicant

Paul Seun Thukgwi

P. O. Box 3428

Kimberley

8505

For attention: Mr Paul Seun Mofokeng (Thukgwi)

E-mail: diacor@telkomsa.net or

Woosthizen950@gmail.com

Tel: 0825636509 or 0538313411

*Received  
30/09/2019*

Dear Sir/ Madam

**APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR ACTIVITIES RELATED TO PROSPECTING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF DIAMONDS (ALLUVIAL AND IN KIMBERLITE) ON THE REMAINING EXTENT OF PORTION 01 OF THE FARM ANNEX VIEGULANDS PUT NO.42, SITUATED IN THE MAGISTERIAL DISTRICT OF PRIESKA NORTHERN CAPE REGION.**

With reference to the above mentioned application, please be advised that the Department has decided to grant an environmental authorisation in terms of regulation 20(1) (a)/24(1) (b) of the Environmental Impact Assessment Regulations, 2014 ("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 ([appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)).

A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 359 3609, E-mail: [appealsdirector@environment.gov.za](mailto: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 03/09/2019



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593  
Telkom Building, 41 Schmidtsdrift Street, Kimberley 8300

## ENVIRONMENTAL AUTHORISATION

Reference number: NC30/5/1/1/2/11639PR  
Commodity : Diamond (alluvial and in Kimberlite)  
Last amended: First issue  
Applicant of authorisation Paul Seun Thukgwi  
Location of activity: THE REMAINING EXTENT OF PORTION 01 OF THE FARM ANNEX VIEGULANDS PUT NO.42, SITUATED IN THE MAGISTERIAL DISTRICT OF PRIESKA NORTHERN CAPE REGION.

## ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended  
DEPARTMENT: Department of Mineral Resources.  
EA: Environmental Authorisation.  
EMPr: Environmental Management Programmer  
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, 2014  
MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended  
NEMA: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 to undertake NEMA EIA listed activity (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "1" of this environmental Authorisation.

## **ACTIVITY APPLIED FOR**

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by Paul Seun Thukgwi with the following contact details—

### **A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

**Paul Seun Thukgwi**

**P. O. Box 3428**

**Kimberley**

**8505**

**Attention: Mr Paul Seun Mofokeng (Thukgwi)**

**E-mail: diacor@telkomsa.net or Woosthizen950@gmail.com**

**Tel: 0825636509 or 0538313411**

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

### **B. LIST OF ACTIVITIES AUTHORISED**

**Government Notice No. R.325 of 07 April 2017 –**

**Listing Notice 1: Activity Number: 27**

**Description:**

The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

**Government Notice No. R.325 of 07 April 2017 –**

**Listing Notice 1: Activity Number: 19**

**Description:**

The removal and disposal of minerals contemplated in terms of section 20 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including—

- (a) associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource [,] ; or
- (b) [including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)] the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.

**Government Notice No. R.325 of 07 April 2017 –**

**Listing Notice 1: Activity Number: 20**

**Description:**

Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum resources Development Act, 2002 (Act No. 28 of 2002), including= (a) associated infrastructure, structures and earthworks, directly related to or (b) the primary processing of a petroleum resources including winning, extraction, classifying, concentrating or water removal; but excluding the secondary processing of a petroleum resource, including the beneficiation or refining of gas, oil or petroleum products in which case activity 5 in this Notice applies.

**Government Notice No. R.325 of 07 April 2017 –**

**Listing Notice 1: Activity Number: 24**

**Description:**

The development of a road—

(i) [a road] 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) [a road] with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;but excluding a road—

(a) [roads] which [are] is identified and included in activity 27 in Listing Notice 2 of 2014;

(b) [roads] where the entire road falls within an urban area; or

(c) which is 1 kilometre or shorter.

**Government Notice No. R.325 of 07 April 2017 –**

**Listing Notice 1: Activity Number: 56**

**Description:**

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; excluding where widening or lengthening occur inside urban areas.

**Activity 9 of Category A under the National Environmental Management: Waste Act 59 of 2008.** A mine residue dam and return water dam. (The disposal of inert waste of 10 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by other legislation.)

Activity 15 of Category A under the National Environmental Management: Waste Act 59 of 2008. The continuous establishment and reclamation of temporary stockpiles resulting from activities which require a Prospecting Right.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on the Remaining Extent of Portion 01 of the farm Annex Viegulands Put no.42, Situated in the Magisterial District of Prieska Northern Cape Region.

The SG digit codes are:

C0600000000004200001

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

X	Y
23.212823	-29.437363
23.220199 -	29.487598
23.169577 -	29.515081
23.169071 -	29.507437

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Wadala Mining and Consulting (Pty) Ltd

Roelien Oosthuizen

P O Box 110823

Hadisonpark

8306

Tel: 0538337337 or 0828709973 or 0842089088

Fax: 0862310371

### E. CONDITIONS OF AUTHORISATION

#### 1. SCOPE OF AUTHORISATION

1.1. The applicant of EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the applicant behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the applicant 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 applicant of 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 property (ies) indicated in the EA and or on the approved EMPr. The property (ies) that the activities will take place must be the same property (ies) that is in the right or permit issued.
- 1.4. Where any of the applicant of EA contact details change including the name of the responsible person, physical/postal address or telephonic details, the applicant of EA must notify the Department as soon as the new details become known to the applicant of EA.
- 1.5. The EA does not negate the responsibility of the applicant to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6. The applicant of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The applicant of EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The applicant must notify the competent authority in writing, within 24 hours thereof of the occurrence.
- 1.8. The applicant of EA 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 prospecting, the relinquishment of the portion of the prospecting 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 applicant 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.

2.3 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 ACTIVITY (IES)**

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 applicant 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 activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.10 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 applicant 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.
- 3.14 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.15. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 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.
- 3.17 The holder of the EA must adhere with the requirement of SAHRA before conducting any mining or prospecting activities. 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).

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 applicant 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 activity (ies). 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." 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.

- 3.22 This EA does not purport to absolve the applicant of EA from its common law obligations towards the owner of the surface of land affected.
- 3.23 If the applicant of EA is not the surface owner must before commencement of the prospecting 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.
- 3.24. The applicant 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 applicant 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 applicant 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 activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.

- 3.30 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. 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 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.
- 3.34 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.
- 3.35 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 finalized.

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

3.37 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 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 applicant of EA who works or undertakes work at the property (ies). 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.
- 4.4. 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 meters between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.6. The applicant of EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.7 The applicant of 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.
- 4.8 The applicant of 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.

- 4.9 Prospecting 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.
- 4.10 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 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.
- 4.12 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 applicant of 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.
- 4.13 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 applicant of EA to apply for further authorisation in terms of the regulations.
- 4.14 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 prospecting right.
- 4.15 The applicant of 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 applicant of EA must also ensure that an ECO is always available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.

- 4.16 The ECO must:
- 4.15.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material);
  - 4.15.2. 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;
  - 4.15.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
  - 4.15.4. Keep copies of all environmental reports submitted to the Department;
  - 4.15.5. Keep the records of all permits, licences and authorisations required by the operation; and
  - 4.15.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.17 The duties and responsibilities of the ECO should not be seen as exempting the applicant of EA from the legal obligations in terms of the NEMA and NEMWA.
- 4.18 The footprint of the activity (ies) 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.
- 4.19 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.
- 4.20 The applicant of 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 applicant of EA.
- 4.21 In order to prevent nuisance conditions, the applicant of EA must ensure that all storage skips and bins are not overfilled.
- 4.22 The applicant of 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.

- 4.23 The applicant 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 applicant of EA.
- 4.24 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.
- 4.25 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.26 Should the applicant of EA 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.
- 4.27 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.
- 4.28 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.

## **F. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant must –

1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;

1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;



- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
2. The appeal form/s must be submitted 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,  
Arcardia, Pretoria, 0083

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

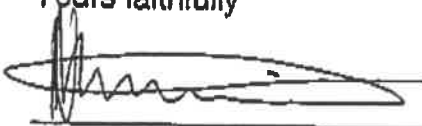
- 3 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 359 3609, E-mail: appealsdirector@environment.gov.za.

#### 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)**

DATE OF DECISION: 03/09/2019

Paul Seun Thukgwi NC30/5/1/1/2/11639PR

**ANNEXURE 1:****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 on SAMRAD on line by the competent authority on the 01<sup>st</sup> April 2015, the Scoping Report (SR) was received on 28<sup>th</sup> April 2017; Environmental Impact Assessment Report and Environmental Management Programme (EMPr) received by the competent authority on the 25<sup>th</sup> October 2017;
- 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, as included in the revised Basic Assessment Report received on the 25<sup>th</sup> October 2017;
- e) This application was submitted in terms of the 2014 NEMA Environmental Impact Assessment Regulations ("EIA Regulations");
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit; and
- h) The applicant of EA provided the financial provision to the amount of R400, 000. 00 which is in line with prospecting 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. R. 982.

The PPP conducted as part of the Environmental Impact Assessment Report process included:

- identification of and engagement with I&APs ;
- E-mails and letters;
- registered letter ;
- Newspaper adverted notice ;
- Notice board.
- Background Information Document

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**

No alternative were considered since it will be expected that the alluvial diamonds and diamonds general have been deposited on these farms. .

## **4. Impacts, assessment and mitigation measures**

### **4.1. Activity Need and Desirability:**

The prospecting right will guarantee benefits such as a positive contribution to the local economy.

### **4.2. Regional/ Planning Context:**

The local and regional economy benefits will decrease unemployment, social phenomenal.

#### 4.3. Services/ Bulk Infrastructure:

The operation will have water tank with purifiers for potable water.

#### 4.4. Cumulative:

Prospecting activities will result in the generation of noise over a period of 3-5 years. Sources of noise are likely to include vehicles or the use of machinery such as backactors. The EA holder will aim to adhere to the relevant noise regulations and limit noise to within standard working hours in order to reduce disturbance

#### 4.5. Biophysical Impacts:

Prospecting activities will be planned where possible in order to encourage and should minimise dissection or fragmentation of any important faunal habitat type. The extent of the prospecting area will be demarcated on site layout plan (preferably on disturbed areas or those identified with low conservation importance). The areas surrounding the mine site that are not part of the demarcated development area will be considered as a no go zone for employees machinery or even visitors.

#### 4.6. Biodiversity:

Footprint areas of the prospecting activities must be scanned for Red Listed and protected plant species prior to prospecting activities. The plants where possible be incorporated into the design layout.

#### 4.7. Visual / Sense of Place:

The primary measures that intrinsically comprise part of the development design through an iterative process. Mitigation measures are more effective if they are implemented from project inception when alternatives are being considered. Secondary measures designed to specifically address the remaining negative effects of the fine development proposals.

#### 4.8. Dust and smoke:

Dust suppression measures must be implemented for heavy vehicles such as wetting of gravel roads on a regular basis and ensuring that vehicles used to transport will be fitted with tarpaulins or covers.

**4.9. Noise:**

The EA holder will adhere to the relevant noise regulations and limit noise to within standard working hours in order to reduce disturbance of dwellings in close proximity to the development.

**4.10. Health and safety Issues (including HIV & Aids):**

All those working on site will be undergo environmental induction.

**4.11. Heritage / Archaeological / Built Environment:**

There are two graves located in a fenced plot on the periphery of the farmstead. The graves or burial grounds are protected in terms of Section 34 of the National Heritage Resources Act.

**4.12. Socio-economic:**

This project will create job the holder must focus on SMME development. The holder will assist the workers in terms of skills development.

**4.13. Offsets:**

The applicant of the EA must before commencement of the prospecting activities will consult with the neighbouring farm for the impact that may emanate from prospecting activity.

**4.14. Stewardship Agreements:**

The applicant of the EA will make the EA condition known to all people working in the mining area.

**4.15. Closure objectives**

To ensure that the residual post-closure impacts be minimised and be acceptable to relevant parties. All prospecting related infrastructure, foundations and concrete areas will be decommissioned, removed from the site and appropriately disposed of. Reclaimable structures such as metal, electrical installations or equipment will be sold for re-use or as scrap. All disturbed areas within the site not already vegetation will be re-vegetated with appropriate indigenous ecologically adopted species appropriate to the area and the fine land use as soon as possible after operation ceases. Progress of vegetation growth/ establishment, stability and drainage/ erosion will be monitored and in the event of adverse trends being identified, corrective measures will be implemented.

Vegetation monitoring will consider, inter alia the establishment of perennial ground cover and infestation by alien invasive plant species. The encroachment of indigenous vegetation into the area will be used as an indication of a stable, self-sustaining vegetation cover with little risk of retrogressing to a situation where erosion and water pollution may occur. Final land forms must be resilient to perturbation and also be self-sustaining to obviate/ limit further/ ongoing interventions and maintenance. The remaining impacts be of an acceptable nature with minimal deterioration over time. The final outcome of the mine site rehabilitation will be productive systems where required sustaining either cattle or wildlife. Environmental and human quality of life including health and safety requirements in general will not be compromised. Closure will be achieved in an efficient and cost-effective manner as possible and with minimum socio-economic change.

In summary the development will result in both negative and positive impacts.

**Negative Impacts:**

The proposed activities have very low significance since these are short term activities. The probability of occurrence of an impact was determined and most of these activities can be controlled and impacts can be reduced or avoided. The probability was also used basing on looking at other prospecting activities of similar nature. Generally prospecting activities have low impact on the environment. The planned activities negative impacts can be controlled and avoided or minimised therefore the layout does not require revision. Changes in plan will be discussed with the farmers and approvals will be signed.

**Positive impacts:**

The positive impacts of the activities are the creation of employment which is really required in the region. It will prevent the sterilization of any ore reserves.

**a) 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.

**b) 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 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.

-END-